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TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
JUNE 23, 2016

HELD AT: Eastchester Town Hall
40 Mill Road
Eastchester, New York 10709
7:00 p.m.

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO
ROBERT PULASKI, MEMBER
MARK CUNNINGHAM, MEMBER
PHILIP NEMECEK, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET UHLE, DIRECTOR OF PLANNING
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY
MICHAEL VERNON, ASSISTANT PLANNER

Dina M. Morgan, Reporter
25 Colonial Road
Bronxville, New York 10708
(914) 469-6353

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3

1 EASTCHESTER PLANNING BOARD - 6/23/16
2 out of here fast.
3 MR. IANNACITO: Yesterday I was number
4 three.
5 MR. CUNNINGHAM: Moving up.
6 MR. NEMECEK: If you could give us a
7 Joe Namath Super Bowl III wagging number 1
8 finger, that would be good.
9 MR. IANNACITO: Good evening. My name
10 is John Iannacito. I'm an architect, and I'm
11 representing Mr. and Mrs. Conybeare this
12 evening, the owners of the subject property.
13 We are proposing additions and
14 alterations to the existing single family
15 residence located at 96 Stebbins Avenue. The
16 proposed scope of work will include a two story
17 addition and portico addition at the front of
18 the existing residence. It's highlighted in
19 pink. We're proposing construction of a second
20 story addition over the existing footprint,
21 which is highlighted in yellow. We're also
22 proposing interior alterations on the first and
23 second floor, including expanding the living
24 space into the existing garage, which is shown
25 here on the floor plan, and site alterations,
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3 THE CHAIRMAN: This is the town of
4 Eastchester Planning Board meeting of June 23,
5 2016. If everyone would rise for the Pledge of
6 Allegiance, please.
7 (Whereupon the Pledge of Allegiance
8 was said.)
9 THE CHAIRMAN: I'm going to take
10 attendance here. Mr. Phil Nemecek.
11 MR. NEMECEK: Present.
12 THE CHAIRMAN: Robert Pulaski is not
13 in his seat next to me, but he's on the way and
14 promises to be here in 10 minutes. Jim Bonanno
15 is here. Bill West could not be here tonight.
16 Mark Cunningham.
17 MR. CUNNINGHAM: Here. Present.
18 THE CHAIRMAN: Great. So we're just
19 going to -- since 504 New Rochelle Road we
20 would like all to be present when we do that,
21 we're just going to jostle around the agenda a
22 little bit and we're going to start with 96
23 Stebbins Avenue, please.
24 MR. NEMECEK: With a big grin on his
25 face. He gets to go first.
THE CHAIRMAN: We're going to get you
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1 EASTCHESTER PLANNING BOARD - 6/23/16
2 including expansion and relocation of the
3 driveway, a new front walkway and a new stone
4 patio at the rear.
5 Here we have a photograph of the
6 existing residence. It's a typical cape with
7 doggie dormers and one story over the existing
8 garage and a full shed dormer at the rear of
9 the house.
10 The proposed elevations. Here we have
11 the two story addition with a new portico, a
12 new shed dormer across the front expanded over
13 the existing garage. On the rear, we're
14 leaving the existing shed dormer and expanding
15 it over the garage also, and we're proposing a
16 new bay at the side facing the street on Beech
17 Street.
18 On the finish exterior materials we're
19 proposing the wall surfaces will be a stained
20 cedar shingle in a cottage gray finish, which
21 is this one here. The roof surfaces will be an
22 asphalt shingle in a moire black finish.
23 That's this one on the top here, the dark one.
24 The windows will be a vinyl clad in a white
25 finish, trim will be painted AZEK in a white
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1 finish, and the gutters will be aluminum in a
2 white finish.

3 The application was presented to the
4 Architectural Review Board on June 2nd, and it
5 was approved with one minor recommendation and
6 that was to move these upper windows closer so
7 that they would align with the windows below
8 and we've done that.

9 Thank you for your time, and I'm happy
10 to answer any questions you have.

11 MR. NEMECEK: So there's no change to
12 the footprint other than the portico perhaps?

13 MR. IANNACITO: Yes. The little red
14 pink area is the only expansion as far as on
15 the ground.

16 MR. NEMECEK: Okay. In terms of the
17 impervious surfaces, what is the difference
18 between what's existing and what's proposed?

19 MR. IANNACITO: The impervious
20 surfaces are increasing by 450 square feet, and
21 we will be adding dry wells to capture the
22 runoff. We're still below the required. So
23 the property is a maximum of 2500 square feet
24 of coverage and we will be at 1811.

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1 MR. NEMECEK: Are the dry wells shown
2 on the plan?

3 MR. IANNACITO: Yes. Two right here
4 on the Beech Street side.

5 MR. NEMECEK: How about air
6 conditioning?

7 MR. IANNACITO: The air conditioning
8 units will be located in this back corner here,
9 and there's a little bit of an indent in the
10 footprint and the roof of the new second floor
11 will slide over and it will be supported by a
12 column and we're going to squeeze the two air
13 handlers right in that space within the setback
14 lines.

15 MR. NEMECEK: Does it have central air
16 right now?

17 MR. IANNACITO: It does not.

18 MR. NEMECEK: It does not. Will there
19 be any type of shielding for the air
20 conditioning units?

21 MR. IANNACITO: Yes. We'll plant them
22 out and landscape them, yes.

23 THE CHAIRMAN: On the elevation -- can
24 you just go back, please. I'm always curious

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1 to find out, those pillars at the front
2 entrance, the color?

3 MR. IANNACITO: The color?

4 THE CHAIRMAN: Yes.

5 MR. IANNACITO: White.

6 THE CHAIRMAN: They'll all be white?

7 MR. IANNACITO: It's going to be a six
8 by six post wrapped in AZEK.

9 THE CHAIRMAN: Got it.

10 MR. IANNACITO: In white.

11 THE CHAIRMAN: And the fake balcony on
12 top, the railing?

13 MR. IANNACITO: That will be a vinyl
14 railing.

15 THE CHAIRMAN: White also?

16 MR. IANNACITO: Yes, white also.

17 THE CHAIRMAN: But there's no access
18 from inside?

19 MR. IANNACITO: No access. That room
20 up there on the second floor is a laundry room.
21 There will be no access up there.

22 MR. NEMECEK: There's no change to the
23 building height?

24 MR. IANNACITO: No. The ridge height

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1 is staying exactly the same. So the eve at the
2 front will come up because it's a one story,
3 but it will match the eve height at the back.

4 MR. NEMECEK: Okay. Good. You said
5 that the Architectural Review Board had the
6 recommendation regarding the front second floor
7 windows?

8 MR. IANNACITO: Yes. Just these
9 windows here to line up with the edge of the
10 triple window at the lower floor.

11 MR. NEMECEK: Okay. Was that the only
12 recommendation that they had?

13 MR. IANNACITO: The only comment, yes.

14 MR. NEMECEK: Jim, do you want to see
15 the materials more closely?

16 THE CHAIRMAN: You know, you brought
17 them in, you might as well bring them up to
18 have a look. The gable on the side, the roof
19 material for that is also going to be shingled
20 or it's going to be a copper?

21 MR. IANNACITO: I'm sorry, which
22 gable?

23 THE CHAIRMAN: On the side elevation
24 right here. The right side elevation. Right,

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1 EASTCHESTER PLANNING BOARD - 6/23/16
 2 the roof there. It's going to shingled?
 3 MR. IANNACITO: This is all shingle.
 4 MR. NEMECEK: Our sizable viewing
 5 audience at home needs to be able to hear every
 6 comment.
 7 MR. IANNACITO: It will be an asphalt
 8 shingle to match the rest of the roof.
 9 THE CHAIRMAN: It's a very beautiful
 10 roof.
 11 MR. NEMECEK: Which black was it?
 12 MR. IANNACITO: Moire black. It's the
 13 top one there I think it is. The dark one.
 14 MR. NEMECEK: Yes, I see it.
 15 THE CHAIRMAN: Would you like to make
 16 comments on this application?
 17 MR. NEMECEK: I have no further
 18 comments at this point. Open the public
 19 hearing?
 20 THE CHAIRMAN: We'll let Bob settle
 21 in.
 22 I'm going to do the public hearing.
 23 So I'm going to make a motion to open the
 24 public hearing on Application 16-36, 96
 25 Stebbins.

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1 EASTCHESTER PLANNING BOARD - 6/23/16
 2 MR. NEMECEK: Second.
 3 THE CHAIRMAN: All in favor.
 4 (All aye.)
 5 THE CHAIRMAN: Public commentary?
 6 (No comments.)
 7 THE CHAIRMAN: No. Then I make a
 8 motion to close the public hearing on
 9 Application 16-36, 96 Stebbins.
 10 MR. NEMECEK: Second.
 11 THE CHAIRMAN: All in favor.
 12 (All aye.)
 13 THE CHAIRMAN: Another good job, Mr.
 14 Iannacito.
 15 MR. IANNACITO: Thank you.
 16 THE CHAIRMAN: We're speechless and
 17 really don't have very much to say. We
 18 appreciate your good work. Next time I think
 19 you know they're going to want to line up the
 20 windows.
 21 MR. NEMECEK: That Architectural
 22 Review Board will get you every time.
 23 THE CHAIRMAN: That being said, I make
 24 a motion to approve Application 16-36, 96
 25 Stebbins.

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 2 MR. NEMECEK: Second.
 3 THE CHAIRMAN: All in favor.
 4 (All aye.)
 5 THE CHAIRMAN: Great. Thank you.
 6 MR. NEMECEK: Nice work. Good luck.
 7 MR. IANNACITO: Thank you. Have a
 8 great summer.
 9 THE CHAIRMAN: Thanks, you too.
 10 MR. NEMECEK: You too, thanks.
 11 THE CHAIRMAN: We're going to swing
 12 back to 504 New Rochelle Road now. So the next
 13 Application 16-36, 504 New Rochelle Road. You
 14 can set up. We'll be back in a second.
 15 (Whereupon, a short recess was taken.)
 16 THE CHAIRMAN: Thank you. I apologize
 17 for the delay.
 18 MS. MARTIN: Good evening, Mr.
 19 Chairman, members of the Planning Board. My
 20 name is Jillian Martin. I'm the construction
 21 manager for CPD Energy, the applicant for 504
 22 New Rochelle Road in Bronxville.
 23 Tonight we are looking at a many times
 24 reviewed and changed application from 2013 for
 25 the site plan and architectural review for the

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 2 proposed addition and alterations to an
 3 existing service station.
 4 Currently, the structure is used for a
 5 small convenience store and a maintenance
 6 garage, which that function is currently vacant
 7 with that space being used for storage.
 8 The proposed plan slightly enlarges
 9 the square footage of the building and converts
 10 the entire building to the convenience store
 11 function, eliminating the use of a service
 12 station and maintains the gasoline sale
 13 function as it currently exists. There are no
 14 changes to the number of dispensers, the size
 15 or location of the canopy or the tanks, the
 16 underground storage tanks.
 17 There are some site upgrades and
 18 landscaping upgrades based on ZBA and ARB
 19 review and approvals, as well as landscaping.
 20 We can switch to that. If you look at the
 21 screen, you'll have an enlarged view of the
 22 plan I have on the board here, which is the
 23 landscaping plan, but it does a very good job
 24 of showing the overall site and the flow
 25 accordingly. As you can see here in the

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darkened area is the slight addition that is proposed to the building.

The site alterations include a new dumpster location; additional and replaced fencing around the back areas of the property; delineated parking spaces, as there currently are none; landscaping improvements in the various curbed areas, some existing, some to be slightly enlarged. There is a change to the location of the crosswalk per discussions with the town's traffic consultant and pedestrian safety in mind, and traffic flow is as agreed with ins and out appropriately.

Architecturally, this is the proposed look for the building. The existing maintenance garage bay is in this area here, which would be replaced with storefront windows, and the proposed addition is off the back allowing for the roof line to continue in the downward angle.

As far as finishes are concerned, it would be a Hardie Board plank siding in the color of heathered moss with Hardie Board trim in antique white and an architectural shingle

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in a brown color. The darker green metal piece that I handed is that standing seam roof above the front door.

THE CHAIRMAN: You can continue. We'll just pass this around.

MS. MARTIN: Okay. I think that's about all that I could think of to tell you at the moment. I do realize that we've been going back and forth for quite awhile, and I believe this the first time you've seen it since 2013, so if there are any questions, I'm sure I'm forgetting some detail that you would like to hear, but please feel free to ask me.

MR. NEMECEK: Can you just highlight for us the change in the configuration of, let's say, the parking spaces and --

MS. MARTIN: Sure, I would be happy to.

MR. NEMECEK: And the overall use of the property.

MS. MARTIN: Yes. So currently the use of the property is an abandoned maintenance bay and a small convenience store with the gasoline distribution. The proposed use

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removes the maintenance bay and keeps the other functions, enlarging the convenience store function.

As far as the current sight plan is up on the screen here. As you will see, there are no delineated parking spaces. The curbing in this area is not there as it's shown on our proposes plan, there are no designated ins and out off of New Rochelle or Hillcrest Road, which is changed in the proposed plan. There is a trailer located behind the building where my pointer is on the screen here. That would be removed and the area of the addition is taking up this particular piece. There will be some site lighting upgrades. So the canopy lights will be replaced with LED lights and site lights will be added at the locations discussed and approved through Zoning and ARB.

Up on the screen now is the proposed site plan that has gone through those approval processes. As you can see, there is some curbing upgrades and landscaping increased areas. The parking spaces are delineated. There is a variance for the number of parking

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spaces that has been granted, as well as for the backup aisle from the parking spaces and their distance to the pumps. Those have both been granted. There is some additional sidewalk in front and around the building to accommodate handicap access from the designated handicapped parking spot, as well as some striping throughout.

MR. NEMECEK: What's the size of the convenience store that exists right now and how does that differ from the proposed --

MS. MARTIN: Currently, the building is 1,735 square feet, and we are proposing an addition of 346 square feet.

MR. NEMECEK: The building is exclusive -- the 1,000 and change that you just mentioned, is that exclusive of the garage?

MS. MARTIN: That includes the garage. That is the entire square foot of the existing structure.

MR. NEMECEK: Okay. So how much of the existing structure is presently being utilized as a convenience store?

MS. MARTIN: As a convenience store?

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MR. NEMECEK: Yes.

MS. MARTIN: I would approximate a third of it.

MR. NEMECEK: 3 or 400 square feet.

MS. MARTIN: It's 1,700, so I would say it's probably about 600.

MR. NEMECEK: Okay.

THE CHAIRMAN: It's being expanded to the new footprint of a thousand you said?

MR. NEMECEK: 1300 or plus?

MS. MARTIN: 17.

THE CHAIRMAN: 17. The retail items that are going to be offered for sale, typical convenience store items?

MS. MARTIN: Typical convenience store items. Walk-in coolers and freezers with sodas and beverages. In New York there would be alcohol sales, chips, snacks, bottles of water, newspapers, bundles of wood, ice, that sort of thing, as well as the typical automotive items that you would find. Basic household goods for convenience purposes, paper plates, paper towels, you know, small packages of things you might run out of.

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MR. NEMECEK: And how does that differ from what's being sold now?

MS. MARTIN: It would be a larger variety and a larger selection of what's being sold there now just by means of having a larger space. So more variety for customers and our clients.

THE CHAIRMAN: Any prepared foods or warming stations?

MS. MARTIN: Anything that we sell would be pre-prepared off site and brought in site for sale. So there would be no food prep on site, but there are typically buttered rolls and pastries and things of that sort.

THE CHAIRMAN: Food warmers, anything like that or not?

MS. MARTIN: It depends on the location. If there is, it's like a hot dog roller, that kind of thing. Nothing to the extent of preparing food on site. No hoods or anything of that sort.

MS. UHLE: If they proposed any food that required a hood to do the cooking, then they would need to come back to you for special

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permit approval. So they're only permitted to have sort of things that could keep food warm.

THE CHAIRMAN: Okay. The fence on I guess it's the south side --

MS. MARTIN: This is the north arrow here, so, yes, the fence line is on every other side pretty much.

THE CHAIRMAN: The fence there, that's a proposed new stockade fence?

MS. MARTIN: It is proposed to be a new stockade fence, correct.

MS. UHLE: I know you presented some of these details to the ARB, but do you have details of the fence for the Planning Board?

MS. MARTIN: Uh-huh. They're on your detail sheet but they're brought up here as well, and I do have a sample if you're interested. And that is proposed to be 6 feet high, which matches the existing.

THE CHAIRMAN: Say that again.

MS. MARTIN: It's proposed to be 6 feet high, which replaces the existing fence, which is also the highest without a variance per your code.

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THE CHAIRMAN: Existing is chain link?

MS. MARTIN: Existing is a wooden fence.

THE CHAIRMAN: Is also wood. Got it. What's the extent of this fence; it's just the south side or it wraps --

MS. MARTIN: No. It actually wraps -- my apologies, I skipped -- so the condensing units are located here, the fence starts at the building, comes up and around, around the back of the property where it borders the residential area, comes back north, and then cuts back across to enclose the dumpsters. It's a decently large amount of fencing for the site.

THE CHAIRMAN: Are there existing dumpsters somewhere?

MS. MARTIN: There are. The dumpsters are currently in the general area of where this dumpster enclosure is being shown here, but it is not in an enclosure, the dumpster, it is just on the asphalt in the open.

THE CHAIRMAN: So as far as the pumps and the canopy over the pumps go, they remain

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1 as is?

2 MS. MARTIN: Correct. It is possible
3 that the units themselves might be swapped out
4 for newer models, but it would be for like an
5 upgrade that would be an equipment upgrade as
6 opposed to a renovation.

7 MR. NEMECEK: What are the present
8 hours of operation of the gas station as well
9 as the convenience store?

10 MS. MARTIN: I believe the present
11 hours of operation are 6 a.m. to 11 p.m.

12 MS. UHLE: That's what I've been told,
13 that 6 to 11 are the current hours.

14 MS. MARTIN: Based on my services from
15 the operation side. Ideally when we renovate,
16 we do push for a 24 hour operation, but after
17 speaking with Margaret and your police
18 department through Margaret, we understand that
19 that's not something feasible in this
20 jurisdiction.

21 THE CHAIRMAN: And as you said just as
22 far as curb cuts go, there is no real curb cut
23 now.

24 MS. MARTIN: It's kind of a free for
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1 all at the moment. This would be designating
2 more succinct entrances and exits and cutting
3 down on the free for all.

4 MR. CUNNINGHAM: Has there been any
5 sort of a study on this from the town for
6 traffic flow here? It seems a lot of
7 congestion to the front. There is one entrance
8 into the building, there is no second form of
9 egress, deliveries come through the front door,
10 the parking to the side, they're backing out,
11 everybody's parked to get gas --

12 MS. MARTIN: Yes, they're --

13 MR. CUNNINGHAM: -- Goes inside. It
14 seems like there's a bit of congestion. That's
15 my first reaction after looking at the old
16 layout.

17 MS. MARTIN: Understood. There's been
18 quite a bit of discussion with the traffic
19 consultant from the town. We've gone back and
20 forth many times, offered many different
21 solutions. This is the one that has been
22 selected through those discussions.

23 MS. UHLE: I think because it's an
24 existing site, the goal of the Zoning Board, at
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1 least in working with our traffic engineer and
2 with the applicant, was understanding existing
3 site constraints to make sure that access and
4 egress to the site and site circulation
5 functioned as smoothly as possible. Again, as
6 smoothly as possible given the circumstances.

7 To the extent that even if you see adjacent to
8 New Rochelle Road where there is a large
9 landscaped island up there, there was

10 previously an additional parking space to
11 satisfy parking requirements, but the board and
12 the traffic engineer were concerned that if

13 somebody was backing out of there it might
14 create queuing. So they did try to balance the
15 parking needs with the circulation needs,

16 again, given the constraints of the site. So
17 the Zoning Board much more thoroughly than they

18 do typically really worked with the applicant
19 to modify the site plan to get it to function

20 as smoothly as possible, again, considering the
21 existing site constraints.

22 THE CHAIRMAN: I think we're going to
23 hear from our traffic consultant too, to
24 summarize the progress with the Zoning Board.

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1 MS. MARTIN: Yes.

2 MS. UHLE: Jillian, do you have a
3 separate landscape plan, and did you go over
4 that, I'm sorry, because I kept stepping out?

5 MS. MARTIN: That's the color
6 rendering that is here on the board and it's
7 now up on the screen as well. For the
8 recommendations through the ARB, we did have a
9 licensed landscape architect prepare this
10 particular plan. I'll zoom in as much as I
11 can. Some of it is to be maintained and kept
12 clean and tidy.

13 So the existing wooded area in the
14 back is to be maintained with the small
15 exceptions of anywhere that it overlaps some of
16 the additional building of the proposed
17 project. If needed, it will get pruned back
18 around the dumpster enclosure and the building
19 corner here. We did look at the option of
20 putting additional plantings back there.

21 Because that canopy is so developed, there is
22 no sunlight that gets to the base -- to the
23 ground level. So, unfortunately, nothing would
24 really grow because of the immense amount of
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shade. So the plan is to maintain and keep that clean.

Additionally, we looked at the hedge along Hillcrest here to make sure that it was not a line of sight issue for cars in and out and that is to be maintained as well. The firm that we used for landscape architecture is also licensed in traffic. So they made sure all of that flowed and worked properly. There is additional plantings shown around the price sign, which is on the corner of New Rochelle and Hillcrest. The sign itself is to remain there. There are no changes to that sign; location, size, content, etcetera.

There is additional landscaping shown here and to be maintained on the property line between the parking and the commercial building on the other side. There was originally some additional landscaping in this area, but that was removed when the condensing units were moved over to that area.

MS. UHLE: Can't you increase the landscaping in that area slightly, though, adjacent to the --

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MS. MARTIN: Potentially. We increased the area of the fencing in the hopes of trying to keep some of that greenery away from the units and clogging them up. So ideally we would like to keep that space for maintenance access and to minimize issues with the trees and falling leaves.

THE CHAIRMAN: Is there any new site lighting on the plan?

MS. MARTIN: There is replacement of the existing site lighting with updated and upgraded LEDs. There is also wall packs along the exterior of the building more so for security than site lighting. There are six of those total.

THE CHAIRMAN: What exactly are wall packs?

MS. MARTIN: I'm sorry.

THE CHAIRMAN: Wall packs.

MS. MARTIN: I could bring up more information on those. One moment.

So we did a full photometric study of the lighting on the property to make sure that there wasn't any additional light overflow from

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our property to the others. So the wall packs are these shown in orange.

As far as what a wall pack is, this particular fixture is a wall pack. So it is a wall mounted fixture, it's affixed to the side of the building and shines light downward. It's mainly for security purposes. There's no overly large amount of light shining outward.

THE CHAIRMAN: So back to the your photometric study.

MS. MARTIN: Yes.

THE CHAIRMAN: So that shows proposed lighting levels?

MS. MARTIN: Correct. So there are eight lights shown within the canopy. The most light would be directly under the canopy itself with some light resonating outward towards the rest of the site. There are four soffit lights within the overhang of the building in the front pointing downward, six wall packs around the building, and then there are three site lights, which are these blue ones shown here. This one here was an additional light added and moved specifically to this location for the

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crosswalk and pedestrian safety.

THE CHAIRMAN: So I guess this shows that the lighting as a result is no worse than I guess the green, whatever that measure is?

MS. MARTIN: So the numbers on here are foot candle measurements. So what this is showing is that there is no more than .1 foot candles of light along this particular border, which is the one on the residential side, which is the equivalent of moonlight. So we're not contributing any additional substantial light pollution to that property line, which was important. This is obviously the main road here. So there is a little bit additional light coming out in those locations, but all of the lights are shielded to make sure that we decrease that pollution as much as possible while maintaining safe light levels for operation in the nighttime hours.

THE CHAIRMAN: Just as a reference, .1 light candle you said is along the property line over there?

MS. MARTIN: Back here?

THE CHAIRMAN: Yes.

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MS. MARTIN: The foot candle levels here are .1.

THE CHAIRMAN: So what's a foot candle measurement like right next to a light?

MS. MARTIN: I can zoom in here.

Right next to a wall pack is showing between 4 and -- 4.3 and 5.3. If you have more lights, you know, it increases it. On the center of the site by the canopy, you have in the fifties, forties to fifties.

THE CHAIRMAN: Great.

MS. MARTIN: Something that really shows that well are these black and white images here. So you could see what that light flow looks like throughout the site.

THE CHAIRMAN: So I think Mark's question is: The indoor coolers and freezers, as far as their condensers, they're in the back; right?

MS. MARTIN: They're located on the side of the building.

MS. UHLE: They were originally located in the back and residents that are -- that's closest to the nearest residential

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property, so at the ARB it was recommended that they be moved to the side of the building, which is closer to another commercial property.

THE CHAIRMAN: Okay. Good.

MS. MARTIN: And all of the condenser units would be located together, so that's HVAC as well as refrigeration.

THE CHAIRMAN: As far as operations, deliveries, all the rest of that for the building, are you knowledgeable how that will work; times and all of that, etcetera?

MS. MARTIN: Within reason we're able to restrict deliveries, if necessary. So obviously we have a residential area nearby, so we would restrict to daytime hours when possible. The only one that's harder to dictate when it will be necessary is the gasoline distributions. So when fuel is needed in order for operations to continue, fuel is delivered. But, for the most part, it's box trucks coming in with deliveries, and they can be designated off-peak times, if needed, as well as during daytime hours.

THE CHAIRMAN: We can make that part

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of our review; right?

MS. UHLE: You could. I don't believe that was something that the Zoning Board addressed. The one condition that the Zoning Board addressed was requiring that within a certain time frame that any snow accumulation to a certain extent has to be removed within a certain time period off the site, because what we were concerned about is plows would come and there is not really room on the site to pile snow and then parking and circulation is even worse. So there was a Zoning Board requirement that you could reiterate in any approvals that you grant or any resolution that you adopt that also reiterates that restriction with regard to snow.

THE CHAIRMAN: Did they discuss where they're going to store the snow until it's removed?

MS. UHLE: No. They just have to take it off. As soon as it gets to the point where you need to store it, you need to take it off.

THE CHAIRMAN: So it goes in a parking spot and gets removed immediately?

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MS. MARTIN: Correct.

THE CHAIRMAN: We'll cover those two when we continue.

MS. MARTIN: We had lots of discussions.

THE CHAIRMAN: I'm sorry.

MS. MARTIN: We had lots of discussions.

THE CHAIRMAN: About the snow removal and everything. What else did you guys discuss?

MS. MARTIN: Let's see, what else.

MS. UHLE: With regard to the traffic?

THE CHAIRMAN: Yes.

MS. UHLE: We have our traffic engineer.

MS. MARTIN: I think that would be best for your consultant to discuss.

THE CHAIRMAN: As far as fuel deliveries, they do them any time of day there now; it's not going to change; right?

MS. MARTIN: They're not set at a particular time of the day. It depends on when fuel is needed.

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MR. NEMECEK: But it will be during hours of operation; right?

MS. MARTIN: Correct, yes.

THE CHAIRMAN: Just so you know we're going to talk to our traffic engineer first also, but as far as fuel deliveries, just as a point of reference, do they schedule them; like, what happens to the flow of traffic when the truck comes in; how does it get in, how does it get out? Is that something our consultant can answer?

MS. MARTIN: I believe that was discussed. Your consultant discussed that, yes.

THE CHAIRMAN: We'll listen to him. Okay. I think for now that's fine. I think we're going to listen to our traffic consultant now. Thank you.

MS. MARTIN: Sounds good. Thank you.

THE CHAIRMAN: If you would, please.

MR. GREALY: Good evening, Mr. Chairman, members of the board, members of public. My name is Philip Greal. I'm a professional engineer with Maser Consulting.

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We had been engaged to review this application back in the fall of 2014 relative to traffic, circulation, additional traffic generation for the facility.

So as part of our review, we did collect existing traffic count data. Some data was available from Westchester County. We did our own traffic counts primarily because of the situation with the operation of the station and the small convenience usage to see what was actually generated at the site today. When you're doing a traffic study, if there wasn't a site here we rely on what's called the Institute of Transportation Engineers. They develop and collect data for different types of uses. One where there's been a lot of data collection is convenience gas operations throughout the country. But in this particular case because it was an operating facility, we did our own traffic counts to see what this site generated today on a peak hour basis. So those counts were done primarily morning commuter hours, afternoon commuter hours.

In general, just to kind of give you a

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flavor, I mean, the traffic on New Rochelle Road is very heavy, almost 15,000 vehicles per day on that corridor passing this site. During a one hour period, let's say in the morning between 8 and 9 a.m., somewhere in excess of 1400 vehicles passing this site, you know, split along New Rochelle Road, but you have that number of vehicles there today. Coming out of Hillcrest today somewhere between 50 to 60 vehicles in an hour period. The station itself with the operation at the time we did our surveys generated somewhere between 40 -- approximately 40 to 60 trips per hour and of those trips approximately equally split. So of the 40, 20 inbound, 20 outbound in a one hour period.

In terms of the expansion area, and again, I think as the applicant pointed out, the area where the expansion is they're getting rid of the trailer which is used for storage, etcetera, in the back of the building, so in terms of additional trips, we look at the total square footage of the building as this use with the gas and convenience and based on ITE data,

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this site would generate somewhere between 60 to 70 trips per hour. So you're looking about a 20 vehicle increase, 20 to 25 vehicle increase. On a roadway like this, most of those trips are what we call pass-by trips. They're attracting people in off the traffic stream. So in the peak hours you find that a high percentage are pass-by trips.

In terms of the review of the plan and circulation, we did have pretty substantial reviews with the ZBA and with the applicant to try to improve circulation. You know, right now the site was functioning as a free for all. There's no delineated parking spaces. In terms of vehicle conflicts with pedestrians, when we did our traffic counts, we observed conflicts both with pedestrians and even with vehicles. Right now the driveway configuration -- and again, we suggested closing this driveway because traffic was found exiting from this driveway heading right on New Rochelle Road when you had left turn vehicles coming out of Hillcrest. So that was a conflict we were trying to eliminate to improve this. So when

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1 people are making this left turn, as it is
 2 they're looking for a break in the traffic on
 3 New Rochelle Road, they didn't have to contend
 4 with traffic exiting from the station. So that
 5 was primarily the reason for that change.
 6 In terms of the entry area, again,
 7 right now people park wherever. We had angled
 8 parking spaces some distance into the site
 9 before the first space so that if a vehicle was
 10 backing out the same time someone was entering,
 11 there is at least some storage area.

12 The crosswalk, which the applicant
 13 mentioned about relocating that, there were two
 14 reasons for that: One was for vehicles making
 15 a left turn in here, they could make that
 16 maneuver at the same time there was a
 17 pedestrian crossing. Right now, it's in
 18 conflict. The other reason was the plaza next
 19 door when traffic is coming out of there -- and
 20 again, this is where the traffic signal is at
 21 parkway plaza -- coming out of there they would
 22 come out the driveway and then all of a sudden
 23 they will upon the crosswalk. So by having it
 24 here, more standard, perpendicular, you have a

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1 better visibility from exiting the adjacent
 2 property. So that was part of that.

3 In terms of fueling deliveries, the
 4 applicant did provide information, including
 5 turning tracks, etcetera. We did talk about
 6 being able to see if it could be restricted so
 7 that, you know, in the morning rush hour when
 8 the facility is busy, not to have a delivery at
 9 that time period. Now, to a certain extent
 10 it's self enforcing by the applicant because
 11 they don't want to disrupt their operation with
 12 a delivery, especially on a tight site like
 13 this. We had talked about that more middle of
 14 the day is better for a delivery as opposed to
 15 when you have your highest volume on the
 16 roadway and on the site. We talked about the
 17 snow removal because there is not really areas
 18 to store snow in a significant event. A lot of
 19 this discussion came up in the winter of '14
 20 into '15 when we had a lot of snow. This past
 21 year we didn't have that situation, but, you
 22 know, it's a problem on a site where you don't
 23 have snow storage areas. So again, I think
 24 Margaret mentioned that was a concern of the

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1 ZBA, and we had mentioned it, and that was part
 2 of their decision to include that.

3 A few other items. I guess in terms
 4 of this area here, as you're exiting the
 5 driveway there is a hedge row in here, and I
 6 don't know what's proposed right here, but we
 7 would recommend that that be pruned or removed
 8 so you have better sight lines exiting that
 9 driveway not only for vehicles approaching but
 10 for, you know, the pedestrians. You have the
 11 sidewalk right adjacent to here. So when a
 12 vehicle is exiting both for the vehicle and for
 13 a pedestrian to be able to see the vehicle
 14 exiting, we felt that that should be either
 15 removed, pruned, or best case would be replaced
 16 with some lower plantings so you have a good
 17 visible line of site.

18 Other items, there were some other
 19 changes in and around the building to allow
 20 vehicles to pass when there is someone stopped
 21 at the pumps. We find that a lot of these
 22 facilities people do park at the pumps. Some
 23 will get gas and then go into the convenience
 24 store, some will actually park at the pumps,

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1 but this sidewalk here was modified to allow
 2 that circulation to pass a vehicle that would
 3 be parked at the pump.

4 I think those are the major items.
 5 We, again, did talk about the fuel delivery
 6 times, but I don't think there was anything set
 7 in stone. Just if it could be avoided in the
 8 real peak hours of traffic, it would be better.
 9 I think that was pretty much what we covered.
 10 I would be happy to answer any questions.

11 MR. NEMECEK: You mentioned figures
 12 about numbers of visits in an hour, and I think
 13 you said -- I think I may not have followed
 14 you -- I heard something about 60 visits,
 15 which -- and then possibly increasing to 60 to
 16 70, is that --

17 MR. GREALY: So when we talk about
 18 trips, a trip is one in and one out. So --

19 MR. NEMECEK: If I go to fuel my car,
 20 I'm responsible for two.

21 MR. GREALY: Two trips.

22 MR. NEMECEK: I go in and I go out.

23 MR. GREALY: That's correct. At this
 24 facility we found in the morning it was

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generating around 40 trips, 41, 42 trips; 20 in, 20 out round numbers.

MR. NEMECEK: That's peak hours?

MR. GREALY: That's in the peak hours.

That was I think roughly 8 to 9, 7:45 to 8:45 in terms of the highest in and out of the station. So that 40 would go to approximately 60 in terms of trips. So you would have an increase of 10 in, 10 out over the course of the hour.

MR. NEMECEK: Again, that calculation is based on the ITE figures --

MR. GREALY: Yes.

MR. NEMECEK: -- Based on the expanded convenience store?

MR. GREALY: Based on the square footage of the entire facility with the number of gas pumps that are there.

MR. NEMECEK: The number of gas pumps will remain the same --

MR. GREALY: That's correct.

MR. NEMECEK: -- So any increase would be attributable either to the wonderful parking spaces that people felt the need to use or more

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likely the increased square footage of the convenience store and the attractiveness of the convenience store and all that's sold there.

MR. GREALY: Yes. And I think the generation figures of what's there today is because there is some convenience operation the numbers were a little higher than if there's was no convenience operation. So that's why the differential. Again, the database takes into account the square footage of the convenience store with the expanded area.

MR. NEMECEK: Just out of curiosity, is that data -- is that data neatly calculated per region or is it just nationwide? I would think that people's habits in the northeast are a little more refined than in other areas.

MR. GREALY: It's nationwide, but if you look at the breakdown of the data, a lot of it is collected in this area. We also have done a lot of reviews of other facilities before and after in this area and with the exception of the convenience stores that have a Dunkin Donuts in it, these data points are pretty accurate. When you have a Dunkin Donuts

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added to the gas and convenience store, it really depends on the area. In areas that don't have other Dunkin Donuts, it's a tremendous generator. In terms of the items that are proposed here, the database is pretty good and accurate for the northeast and especially the New York area.

MR. NEMECEK: Okay.

THE CHAIRMAN: So the increase in trips is not proportional to the increase in floor area?

MR. GREALY: Well, the floor area increase in the building I think is only 380 some odd square feet, but part of that space today is not being used to its fullest extent because it was the former bay areas. I think some of it is being used for storage if I remember when I was there at one time at least part of that area of the former bays were being used for storage. So in terms of the trip increases, it's really -- if you didn't have the existing facility we'd be looking just at the square footage and the number of pumps. The reason for the net differential being in

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that magnitude is it's already generating traffic today and it has that convenience, even though it's a small convenience, it's generating trips during those time periods.

THE CHAIRMAN: The flow of traffic in and out; on Hillcrest there's in and out, on New Rochelle only in, so how does someone coming off Hillcrest get back out, circulate?

MR. GREALY: If they're coming in from -- yes, they would circulate to get back out onto Hillcrest. There were several discussions about, you know, flow at this driveway. We did keep it wider. The main thing was to try to remove this conflict point, because it wasn't just conflicts of vehicles exiting here and vehicles turning off of Hillcrest, you also have the pedestrian movements along there. So that was the reason for that suggestion to close it, and it seems to be a better situation.

THE CHAIRMAN: So someone that comes in off Hillcrest and pulls up to a pump adjacent to the convenience store on the other side, where is he parking?

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1 MR. GREALLY: They would have to make a
2 turn to loop back around and come out, yes.
3 MR. NEMECEK: There's a traffic light
4 just, I guess, west of the crosswalk, right;
5 there is an existing one leading out of the
6 plaza next door?
7 MR. GREALLY: Yes.
8 MR. NEMECEK: There is no traffic
9 light down on Hillcrest; right?
10 MR. GREALLY: On Hillcrest, no.
11 MR. NEMECEK: There is just a stop
12 sign at Hillcrest?
13 MR. GREALLY: Yes.
14 MR. NEMECEK: There is no stop sign,
15 though, on the New Rochelle Road area going
16 east; right?
17 MR. GREALLY: No. No. Anywhere in
18 this stretch coming out other than at the
19 light, you know, the queues from the light do
20 back up past Hillcrest today. As I said,
21 there's approximately 50 to 60 vehicles an hour
22 that come out of here, I forget the exact
23 split. In the morning, there were more left
24 turners, of course, than right turners.

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1 MR. NEMECEK: And there's a CVS across
2 the street; right?
3 MR. GREALLY: Yes.
4 MR. NEMECEK: When did that open or
5 has that opened?
6 MS. UHLE: Yes, it's been open for a
7 long time.
8 THE CHAIRMAN: So although I made that
9 inquiry about in and out, it's really no
10 different than what's there presently, is it,
11 as far as gas?
12 MR. GREALLY: The gas volume --
13 THE CHAIRMAN: Is the same?
14 MR. GREALLY: Pretty much the same,
15 yes.
16 THE CHAIRMAN: As Mr. Nemecek said,
17 the increased volume is attributed to the
18 increased --
19 MR. GREALLY: What happens is you
20 may -- you can't really fully differentiate
21 because somebody will say, you know what, I'm
22 going to stop, get a cup of coffee, but I'll
23 get gas here while I'm stopped. So you may
24 actually have some gas usage increase, but it's

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1 really the trip to the station. Whether they
2 do combined uses once they're on the site, it's
3 the number of total trips we look at.
4 MR. NEMECEK: When you talk about the
5 trips and how at the peak hour, 7:45, 8:45, 8
6 to 9, whatever that is, you had a roughly
7 50 percent increase projected; that 50 percent
8 increase, is that across the board for all
9 hours?
10 MR. GREALLY: Throughout the day?
11 MR. NEMECEK: Yes.
12 MR. GREALLY: In terms of --
13 MR. NEMECEK: People aren't getting
14 coffee after 9:00.
15 MR. GREALLY: You're going to increased
16 usage during the day. I don't know the exact
17 numbers and other hours. We only counted about
18 three hours in the morning and two or
19 three hours in the afternoon.
20 MR. NEMECEK: Do the models bear that
21 out? I mean, the usage will be less,
22 obviously. Instead of -- let's say
23 hypothetically instead of having 40 trips at
24 peak time, maybe at 8:00 at night there are 15

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1 trips -- let me make it easier -- 20 trips;
2 does that mean you're going to have 30 trips
3 with the convenience store?
4 MR. GREALLY: You're going to have
5 additional trips in that time period,
6 proportional. Again, based on the square
7 footage is the variable that's used to
8 calculate the trips.
9 MR. NEMECEK: So if we want to
10 ballpark it, if we want to give ourselves the
11 best estimate of what the usage of this site is
12 going to be if we approve the proposed
13 application, that we should expect more or less
14 a 50 percent increase in the usage across the
15 board through the course of the day based on
16 your modeling?
17 MR. GREALLY: Yes. The peak hour
18 numbers usually to get it to daily if you're
19 talking about, you know, not a 24 hour
20 operation, is usually a factor of about 8 to 10
21 times. So that's how you calculate over the
22 course of the day, but, yes.
23 MR. NEMECEK: Okay. In terms of --
24 have you formed an opinion as to the overall

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1 effect of this increase in traffic on the site
2 and whether the site as presently configured in
3 this application that's before us today can
4 handle that?

5 MR. GREALY: Yes.

6 MR. NEMECEK: What is that opinion?

7 MR. GREALY: I'm sorry.

8 MR. NEMECEK: What is that opinion? I
9 asked if you formed an opinion.

10 MR. GREALY: Oh, yes. They've
11 incorporated the changes that we suggested in
12 terms of circulation to allow vehicles to exit
13 to keep those aisles open, the turning tracks
14 were looked at, their engineer also provided
15 that information to us, so from a circulation
16 standpoint and being able to handle the volume,
17 yes. One of the things at a site like this, if
18 all the spaces are full and I'm coming by, our
19 numbers don't, you know, take any reduction for
20 the fact that there is maybe fewer spaces here
21 than at some other sites, so typically what
22 happens is people say, I'm not going in because
23 there's no place to park. So from a generation
24 standpoint they may actually be lower, but the

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1 applicant has to live with that in terms of
2 operations. We've tried to create a
3 circulation pattern that flows well, has
4 aisles, takes into account the pedestrians, in
5 the areas that were tight adjustments were made
6 so that the sidewalk and the vehicle paths work
7 together. Again, I think the site distance
8 here is an important thing that the board still
9 has to work into this. We talked about it
10 briefly with the ZBA, but again, they weren't
11 reviewing the site plan.

12 MR. NEMECEK: One other point I would
13 like to revisit, I think you -- I don't recall
14 the precise terminology, but most of the people
15 who would stop at this gas station are not
16 people -- this isn't a destination onto itself,
17 it's people who are part of the traffic flow to
18 begin with who look down and say, hey, you
19 know, I have a quarter of a tank, maybe I could
20 fill my gas tank up and get a cup of coffee
21 while I'm there. So what's --

22 MR. GREALY: The studies show that
23 ranges anywhere from 45 to 75 percent of what
24 goes into the driveways is what's either a

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1 pass-by --

2 MR. NEMECEK: Pass-by.

3 MR. GREALY: -- Or a diverted link
4 trip. So diverted link trip may be if somebody
5 was at CVS and they may come up here and they
6 will still show up at the driveway but they
7 were already on New Rochelle Road. So they
8 could be in this section diverted somewhat.

9 The pass-by is strictly where they're passing
10 by, they come in, and they go back out.

11 MR. NEMECEK: Okay. That data,
12 without delving too deeply, is that based on
13 the same ITE?

14 MR. GREALY: ITE, yes. Typically, the
15 higher the average daily traffic or the volume
16 that's on the road, the higher that percentage
17 goes. If you had a road with very low existing
18 volumes, then it does become more of a
19 destination trip in more rural areas. When
20 you're talking about ADT's of close to 15,000
21 and, you know, 14 to 1500 vehicles an hour,
22 it's usually a pretty high percent of what are
23 pass-by or diverted trips.

24 MR. NEMECEK: So I guess -- you said
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1 45 to 70 percent were pass-bys or the other the
2 link --

3 MR. GREALY: Diverted link trips.

4 MR. NEMECEK: Yes, diverted link. So
5 basically if you're talking about an increase
6 of overall usage of about 50 percent, in terms
7 of the overall traffic flow you're probably
8 only talking about maybe a 25 percent increase.

9 MR. GREALY: Or even less.

10 MR. NEMECEK: That's not even fair.
11 Based on 1500 or 1400 an hour during peak, it's
12 a relatively -- because it's not a destination,
13 it's principally a pass-by or diverted link,
14 you're not necessarily going to be increasing
15 the traffic flow very much on New Rochelle
16 Road. What you might have a problem with is
17 more people will be making that left turn.

18 MR. GREALY: They're going to be
19 turning in out and out of the driveway.

20 MR. NEMECEK: That's the principal
21 traffic issue?

22 MR. GREALY: That's why when we refer
23 to those numbers, we don't reflect the pass-by
24 because they still have to come in and out of

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1 the driveways. They're just not added to the
2 traffic stream on the roadway.

3 MR. NEMECEK: Okay.

4 THE CHAIRMAN: So to continue that
5 point, is there -- I think due to the usage or
6 increased usage of the space, it's not going to
7 have an effect on the traffic on New Rochelle
8 Road; what about the turning in, turning out,
9 queues backing up into the street, is that a
10 consideration or that's been studied?

11 MR. GREALY: Yes. You're talking
12 about increased turning movements at the
13 driveway, increased traffic on Hillcrest coming
14 out, so you're looking at approximately one
15 additional exiting trip every 2 to 3 minutes,
16 you know, during those time periods.

17 THE CHAIRMAN: So that doesn't cause
18 any change in the flow of traffic on either
19 road, that one or two --

20 MR. GREALY: Well, in terms of right
21 now getting out onto New Rochelle Road, you
22 have to wait to get out, of course, because of
23 the heavy flow. Traffic on the site will have
24 to wait to get out to Hillcrest. They will

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1 have to wait for the one or two cars that
2 distance wise will be able to stack for them to
3 clear. Again, we think it's a better situation
4 than the conflict point that was here. If this
5 was left open, those vehicles wouldn't come on
6 to Hillcrest and out, but it created a lot of
7 conflicts.

8 THE CHAIRMAN: So what I'm hearing is
9 that actually in the end because you've made
10 the circulation pattern a little bit better,
11 gotten rid of some of the entrances, it's
12 actually a better condition, maybe a little bit
13 more cars but in the end no worse than what's
14 there?

15 MR. GREALY: The control should be
16 better than it is today in terms of that or the
17 conflict points.

18 THE CHAIRMAN: Okay.

19 MR. NEMECEK: I suspect we may hear
20 from our in-person audience today on this
21 point, but does diverting all of the exit
22 traffic out to Hillcrest, given the fact I
23 guess the southbound Hutchison River Parkway
24 entrance is -- I don't recall the name of the

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1 street but I've taken it before -- you can
2 access that by going up the hill at Hillcrest
3 and making a left turn at some point, did you
4 do any analysis -- and I know at a certain
5 point on the way up the hill on Hillcrest it
6 ceases to be the lovely town of Eastchester and
7 becomes the beautiful city of Mount Vernon --

8 MR. GREALY: City of Mount Vernon,
9 yes.

10 MR. NEMECEK: -- Have you performed
11 any tests as to what the expectation is in
12 terms of the increased traffic load or traffic
13 flow on the upper portion of Hillcrest?

14 MR. GREALY: Basically heading south
15 on Hillcrest?

16 MR. NEMECEK: Yes, correct.

17 MR. GREALY: I don't remember the
18 numbers off the top of my head, but when we
19 counted the driveways of where people exited
20 today and where they were going, there was
21 traffic that did exit already going on
22 Hillcrest, some had actually came out onto New
23 Rochelle Road and then made a right, but most
24 of the -- I think because it's pass-by traffic,

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1 they continued along New Rochelle Road, most of
2 those trips. So we would expect that pattern
3 to continue but there will be some increase.
4 Again, I think the pattern that's there is not
5 going to change drastically whether you come
6 right out here or whether you come out onto
7 Hillcrest. It's not enough of a diversion from
8 where you want to go to.

9 Again, we did look at keeping that
10 driveway open. One of the earlier
11 recommendations was to at least reduce the
12 width of it to try to control that traffic
13 better so that there was some separation
14 between the point of where they are exiting
15 today and where people are coming out of
16 Hillcrest. So that was another alternative.
17 We did look at that. But we really felt that
18 it needed to be tightened up so it wasn't the
19 free for all that was there. So that's
20 something the board could look at further, but
21 I think this seemed to be the best controlled
22 relative to pedestrians and vehicles.

23 MR. NEMECEK: Okay.

24 THE CHAIRMAN: Although this is the

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1 application that we're looking at now and this
2 is the site plan we're asking to examine, do
3 you recall what this looked like back in 2013;
4 was it significantly different?

5 MR. GREALLY: Well, the size of the
6 expansion was significantly more. The building
7 expansion. They were expanding the building to
8 the west and I think more to the south, if I
9 recollect. I think they were up around
10 2200 square feet is where they started from.

11 MS. UHLE: It was --

12 THE CHAIRMAN: That's what I'm going
13 to get to next. So as far as traffic and
14 parking, is this the same, better, worse?

15 MR. GREALLY: Well, it's a lot less
16 square footage. Parking is better. The
17 original plan, I believe, had just regular
18 parallel parking spaces here and there wasn't
19 enough room to maneuver when you had a vehicle
20 stopped at the pump. So the angle of the
21 spaces was changed to improve that flow. So
22 there are numerous changes. This sidewalk
23 actually came out where this was a choke point
24 where if someone was parked at that pump you
25

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1 couldn't get by. So those are the types of
2 things that are reflected on this plan.

3 MR. NEMECEK: And consistent with your
4 figures if you had a bigger convenience
5 store --

6 MR. GREALLY: Significantly more
7 traffic, yes.

8 MS. UHLE: When it appeared before the
9 Zoning Board, their absolute primary concern
10 was circulation into and out of and around the
11 site, to facilitate that as much as possible
12 without causing unintended consequences out on
13 New Rochelle Road. That's really from day one.
14 So the plan was modified pretty significantly
15 in response to those concerns.

16 THE CHAIRMAN: Since we've seen it
17 last, it changed quite a few times.

18 MS. UHLE: Exactly. Also, as Mr.
19 Greally said, the extent of the variances have
20 been reduced because the extent of the addition
21 was reduced.

22 MR. NEMECEK: I think it was -- was it
23 2014?

24 MS. UHLE: Well, the initial

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1 application was made in 2013. By the time it
2 got to you, it might have been 2014. It had a
3 little bit of a slow start.

4 MR. NEMECEK: I think, Mr. Greally, you
5 said you first looked at this in the fall of
6 '14?

7 MR. GREALLY: 2014, yes. And I believe
8 it was over 2200 -- 2100, 2200 feet is my
9 recollection.

10 THE CHAIRMAN: Okay. Any more
11 comments? No.

12 Just, I mean, the public knows that
13 you are working for the town of Eastchester and
14 your review is on behalf of the town. So
15 you're looking at everyone's best interest as
16 far as what's going on at this site.

17 MR. GREALLY: Yes.

18 MR. NEMECEK: That's one of the
19 reasons I like to question the expert retained
20 by the town as thoroughly as I try to, because
21 you're something of a neutral in this.
22 Actually, your interest is to protect the
23 interest of the town and its citizens. So it's
24 that much more valuable. You're not an
25

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1 advocate, you're here to be relatively
2 impartial in assessing what the impact of this
3 proposed application is here, and you've given
4 us the benefit of your knowledge and your
5 expertise.

6 MR. GREALLY: Yes. All of our
7 statistics are based on published data. So I
8 think this is the way we approach it. We try
9 to make sure the safe flow, the information
10 that the applicant provided in terms of turning
11 tracks, they had their engineer provide that,
12 we reviewed what they did, and it was
13 appropriate.

14 MR. NEMECEK: And you worked pretty
15 closely with the Zoning Board and the applicant
16 and the town throughout this process; right?

17 MR. GREALLY: Yes. There were numerous
18 meetings that we attended -- I don't recall the
19 total number -- but probably 4 or 5 meetings
20 with the ZBA to review various aspects, and
21 then when the plan was reduced back down to
22 this size, we had another review.

23 THE CHAIRMAN: We appreciate all the
24 work you've done with the Zoning Board. It
25

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seems like what you brought here is a very well thought out plan.

MR. GREALY: Thank you.

THE CHAIRMAN: Okay. So if there are no more questions up here, we're going to move on to the public hearing. Don't leave. We'll come back to you, Mr. Grealy, if necessary.

So then we're going to read the letter into the record as part of the public hearing or -- we're going to open the public hearing then. So I make a motion to open the public hearing on Application 13-36, 504 New Rochelle Road.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Comments from the public. Please come up. Just for everyone, please come up, state your name before you start speaking and your address.

MR. URBINA: Certainly. My name is Julio Urbina. I live at 19 Hillcrest Road. That's the property that abuts this property on the south side.

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So I had a couple of concerns, and I don't know if it's under your purview, but the stockade fence that the owner is proposing, you know, I ask that you consider having a vinyl fence. The reason for that is because it's less maintenance, and the reason I'm concerned about maintenance is that since this organization took over that property, they've failed to maintain that property. We've had to call on a number of occasions to get snow removal from the sidewalks and from the driveways. We've also had to call on numerous occasions because of the litter that is in and around the property. We also had to call -- not just myself but the neighbors also -- with the failure to maintain the shrubs that along Hillcrest Road. So I know it kind of affects me the most, but I ask that you consider requiring a vinyl fence, because I have little confidence in this owner's ability to properly maintain a stockade fence. So that's the first item.

The second item has to do with hours of operation. I think that the community

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understands the importance of small business as an important part of our community, and I think that Chester Heights has always had a good balance between, you know, meeting the needs of the residents in that area, as well as the small business owners. I think one of the issues with this particular property is that there is no small business owner available. So often times when we do complain about the snow or we do complain about the garbage, we kind of get, you know, one of these, I don't work here kind of thing.

Going back to hours of operation, again, I feel that there is a good balance, and I know that there was a compromise or an agreement made with CVS to, you know, not allow them to operate any further or any later than 10:00, and I think that that's something that, you know, I would ask you to consider for this property as well in order to maintain, again, what I feel is a good balance between, you know, maintaining the residential and the community feel of Chester Heights but also to promote and to support small businesses in the

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community. Thank you.

MR. NEMECEK: Thank you.

THE CHAIRMAN: Thank you.

MS. ROSAMONDA: Good evening. My name is Pat Rosamonda, and I live at 215 Hillcrest Road. My home is the first house on the Mount Vernon side. Your geography is very good.

As mentioned by many of your questions, and thank you for having the questions regarding the traffic flow and the revision of having all of the exiting traffic coming out onto Hillcrest Road, currently getting out of my street is a nightmare. As many of you have mentioned, there is no traffic light so you either have to wait a significant amount of time to make a left-hand turn or you also have to be aware of the current traffic coming out of the gas station site, which is minimal at this point. If this proposed plan goes through with all the traffic exiting onto Hillcrest, it will be almost impossible for us to get out of our street and to make a left out onto New Rochelle Road or the right onto New Rochelle Road.

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1 The hours of operation in conjunction
2 with what Mr. Urbina said, CVS only operates
3 until 10:00 p.m., we ask the same of this
4 convenience store. Also, CVS has the same
5 functionality. You will be able to go in and
6 buy some sort of air fresheners or a bottle of
7 soda, whatever, there's a duplication of
8 function there, therefore, why do we need a
9 convenience store that's open until 12:00 at
10 night?

11 Now, with that said, you're also
12 opening up the fact of our neighborhood, which
13 has remained consistently a quaint little
14 residential area for many, many years, you're
15 opening up the concern of a large increase in
16 crime. You're going to have many cars,
17 additional traffic coming up Hillcrest Road
18 that could potentially cause some crime issues.

19 So with that being said, with regard
20 to the fuel deliveries, there have been many
21 occasions where we have experienced being woken
22 up in the middle of the night from the
23 trailer's backup indicator that a fuel delivery
24 is taking place. So sometimes it is in the

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1 middle of the night, the fuel deliveries. I've
2 lived there a very long time. The gas
3 station -- the owner that recently purchased
4 the gas station kind of knew what he was
5 getting when he purchased it. So, therefore,
6 to come and try to increase it and say that
7 it's a hardship that he is losing financial
8 revenue because he can't use the bays, he knew
9 what he was getting when he purchased it. The
10 same way we knew when we purchased our home
11 that we were living within 400 feet of a
12 commercial piece of property.

13 With that being said, and I'm sure
14 Margaret will concur with me, there was
15 supposed to be a representative here this
16 evening from the Planning and Development
17 Department City of Mount Vernon to address all
18 of these concerns with you. I --

19 MR. NEMECEK: By the way, we received
20 a letter, which we will read into the record
21 later on, from the Department of Planning and
22 Community Development of the City of Mount
23 Vernon.

24 MS. ROSAMONDA: Okay. Great. I thank
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1 you all for listening to our concerns. Please,
2 really take them into consideration because
3 this is a wonderful neighborhood. We're
4 surrounded by very long-standing seniors and
5 property owners, many of which who oppose this
6 project. There was a large petition that was
7 circulated and submitted to the town of
8 Eastchester opposing this project. They will
9 not come out and speak, they don't like to
10 upset the apple cart, but they do not wish for
11 this project to go through. Thank you very
12 much for your time.

13 MR. NEMECEK: Thank you.

14 THE CHAIRMAN: Thank you.

15 MR. MARZZIOTTI: Hi. My name is Bob
16 Marzziotti, and I lead the Civic Affairs
17 Committee for the Chester Heights Civic
18 Association. There are just a few areas I
19 wanted to cover with some specifics --

20 MR. NEMECEK: Are you a resident of
21 the town of Eastchester?

22 MR. MARZZIOTTI: Yes, I am. I'm on
23 Parkview Drive in Eastchester. So there were
24 three areas and then just pull back and make

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1 some generic points, I guess.

2 The first is obviously hours of
3 operation, and in our view that really has a
4 material impact on the quality of life locally.
5 We undertook a bit of a survey to find out what
6 the Civic Association members, the folks that
7 live in the area feel about that, and when we
8 put that out there, there were 65 respondents,
9 and a full 95 -- 99 percent of them responded
10 that they would like to see the hours of
11 operation terminate no later than 10 p.m., some
12 were at 8 p.m., and for full disclosure one
13 vote for 24 hours. Having said that, with that
14 kind of a sense from the community and from
15 what you've heard tonight, we really want to
16 urge nothing later than a 10 p.m. shut down for
17 the operation. That's what the other
18 businesses in the community are held to, you
19 know, and the community feels that's an
20 important element.

21 The second is lighting. Obviously
22 light pollution is a big deal here. There's
23 plenty of it and we don't need more of it. In
24 looking at the plans, it appears that at the

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1 corner of New Rochelle Road and Hillcrest there
2 are what appears to be two very large flood
3 lights. Whether or not those are excessive,
4 I'm not an engineer to make that determination,
5 but certainly given what appears to be the need
6 for lighting in that location and the amount of
7 it, I would urge some of you to at least
8 reconsider the volume of lighting that's going
9 to sit on that corner.

10 The third concept is obviously
11 congestion. Having listened this evening to
12 the work that was done, it sounds considerable
13 and a lot of effort went in and thought went in
14 to putting together a suitable arrangement, but
15 everything that has been done here only serves
16 to make a bad situation a little less bad, and
17 I don't know that that's something to get all
18 that excited about. We know we have a severe
19 congestion problem and we know we have issues
20 with traffic and the flows that have been
21 proposed are less bad than the ones that were
22 proposed earlier. That's better but it's
23 certainly not good.

24 I guess the fact that there's a CVS
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1 across the street that basically offers the
2 same essential items for sale or many of the
3 similar items, I mean, arguably there could be
4 a better brand of paper towel at the
5 convenience store, I would suggest that what
6 have we really accomplished? In other words,
7 how have we made the community better? Is
8 there any way that the site could have been
9 somehow designated in a way that actually
10 improves things and gives folks something that
11 they don't already have. We may be past that
12 point but, unfortunately, it's still something
13 worth mentioning and we appreciate your
14 consideration.

15 MR. NEMECEK: Thank you.

16 THE CHAIRMAN: Thank you.

17 MR. PARISI: Mike Parisi, 16 Lockwood
18 Avenue. Has a traffic study been done about
19 the engine company, Engine 30, that's in
20 Chester Heights, how it's going to affect that
21 engine company? And I didn't hear anything
22 about how the buses are going to be affected.
23 Is the bus stop going to be moved? There's one
24 in front of the gas station and there's one on
25

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1 the plaza. We didn't talk about the engine
2 company. That's the first engine company for
3 the Chester Heights area and also for the
4 school system, and that engine company responds
5 second due and third due in the town, but we
6 haven't addressed that. So that's another
7 question.

8 I could attest to what this lady was
9 saying about the trucks pulling into the gas
10 station in the middle of the night. It wakes
11 up the community. They do have gasoline
12 tankers come in and unload in the middle of the
13 night. I work around the clock sometimes, and
14 I do hear that and see that when I'm coming
15 home in the middle of the night. Also, in the
16 early morning hours, there's an 18 wheeler that
17 pulls up at 5:30 in the morning and unloads
18 into the gas station their products, their
19 supplies. I also heard about the bathrooms and
20 the building. Do we have handicapped access in
21 the bathrooms? Are the bathrooms handicapped
22 accessible? Do we have exit doors into inside
23 of the facility in the event of an emergency to
24 get out of the facility? We didn't hear about
25

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1 that. There's a lot of open questions here
2 that I think could be addressed. The reason
3 why I'm saying it, I live there. I raised my
4 children there. I'm the one that picks up the
5 garbage on the street. I'm the one that has to
6 face the traffic. I'm the one that has to face
7 the problems that happen in our community. I'm
8 talking for me, not for anyone else. Thank
9 you.

10 MR. NEMECEK: Thank you.

11 MR. CAVALIERE: Good evening. My name
12 is Mike Cavaliere. I am a resident of 23 Alta
13 Drive in Bronxville. I would like to just
14 punctuate the concern that I have as well as my
15 neighbors as it relates to the hours of
16 operation. You know, it's important to strike
17 the right balance with the merchants as well as
18 with the residents because it is a residential
19 community, Chester Heights, and I ask and urge
20 that you consider that. And, obviously, as the
21 hours of operation increases, we all know there
22 could be potentially unintended consequences
23 with the type of demographics that are buying
24 coffee at all hours of the night. So if you
25

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1 could think about that.

2 Lastly, the noise pollution as it
3 relates to the generators as well as light,
4 because I do live behind there with some of my
5 other neighbors, whatever you could do to
6 restrict that would be greatly appreciated.
7 Thank you.

8 MR. ITRI: Good evening. My name is
9 Bill Itri. I live at 22 Alta Drive in
10 Bronxville. The concern I have is on your
11 drawing the entrance coming in off of New
12 Rochelle Road, you want everybody to make that
13 left turn, but what's going to prevent
14 everybody that's coming in off of Hillcrest
15 exiting out of there? What's to stop them? If
16 I was somebody that came in on Hillcrest, got
17 my gas facing out, why am I going to make a
18 U-turn to go back out to sit in traffic? I'm
19 going to go back out the same way I came in off
20 of that entrance. Now, the reason I bring that
21 up is that I come down off of Alta, I walk my
22 dog, I go around CVS, when I walk past the J &
23 G parking lot, there's cars parked on the
24 sidewalk. Nobody gets a ticket. What's going

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1 to prevent a car from parking on the sidewalk
2 in front of the gas station now when they can't
3 get into those designated spots because there's
4 not enough? Now when you got somebody at the
5 pumps at the parking also, where are they going
6 to park? On the sidewalk. We called the
7 police. You go down there any given night,
8 there's cars parked on the sidewalk. So I
9 don't know if your one way in off of New
10 Rochelle is going to be good without another
11 way coming out on New Rochelle. But I do agree
12 with you, I'm sorry, that Hillcrest when you
13 come out busy time, any time, I've sat there
14 5 minutes, 10 minutes. Unless there is some
15 kind soul that will let you get in to make the
16 left onto New Rochelle, you're not doing it.
17 So to increase it and make it only one way out,
18 I don't think that's such a great idea. Please
19 consider it. Go down and sit there and see
20 what the traffic is like.

21 MR. TUDISCO: I just have a question.

22 MR. ITRI: Sure.

23 MR. TUDISCO: Again, I'm not part of
24 the board. As the Deputy Town Attorney, I deal

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1 mostly with enforcement. My question is just
2 to clarify what your question is or your
3 concern is. Is it that it is unenforceable or
4 you think it's a bad idea?

5 MR. ITRI: I think it's both. One,
6 you can't have police down there 24/7. I walk
7 down there with my dog, there are policemen
8 sitting alongside on the side street by the
9 liquor store or the wine bar, those cars are
10 parked there on the sidewalk, they don't get
11 out and ticket them. So why would they get out
12 and ticket the ones that are blocking maybe on
13 New Rochelle Road because there are no parking
14 spaces? Either way, it's a no win situation.
15 Be realistic. If you want to run in there to
16 get something and there's no place to park,
17 you're going to do the obvious, you're going to
18 park on the sidewalk. Everybody does. If you
19 can't get out -- if you want to come out onto
20 Hillcrest as your only way out and you know
21 that you got to make that left onto Hillcrest,
22 make a left onto New Rochelle Road, and you see
23 what that traffic is like in the morning and
24 then from 2:30 in the afternoon until 6:30 at

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1 night, you're not going to do it. You're going
2 to start cutting through. The traffic light,
3 the pedestrian walk, people are going to get
4 run over. Go down there now, the walk sign
5 does not work all the time.

6 MR. TUDISCO: The reason I bring that
7 up, just to bring up another example, in town
8 the hardware store on Highland and 22, okay,
9 that has a one way flow for safety purposes
10 with a one way sign. Unfortunately, there are
11 people who cut through the other way, but I
12 think to set it up the safest way it has to be
13 one way traffic, at least designated. I mean,
14 there always are going to people that --

15 MR. ITRI: Right now again -- I'm
16 sorry for interrupting -- Mr. Vincent's parking
17 lot is set up one way in and out onto Alta
18 Drive. Because of the deviation that they put
19 with those cones, we can't make a right into
20 Alta. Tonight we have a little fair going on
21 by the Mount Vernon High School, I can't tell
22 you the number of cars that have cut through
23 Mr. Vincent's parking lot, came out on the
24 other side to make the right onto Alta. Again,

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1 I walk my dog, I can't tell you the number of
 2 times I've almost been run over. In Vincent's
 3 lot there's a stop sign. They don't stop.
 4 People are people, let's face it.
 5 So we want you to take into
 6 consideration -- all your paperwork looks
 7 great, all your proposals look great, it looks
 8 really beautiful compared to what it looks like
 9 now, but when the actual working function gets
 10 going, go down there then and see if it's still
 11 the same. See if it's what you proposed. It's
 12 not going to be. We've live there for 20
 13 years. People don't follow laws and rules.
 14 They don't. It's obvious. Go down there.
 15 Just take a look, a good look.
 16 You did your study almost three years
 17 ago. Once they put those cones up that you
 18 can't make a right, that traffic on the parkway
 19 is down by Mount Vernon High School field at
 20 any given time. The Hutch gets backed up, they
 21 come to New Rochelle Road. Go do your study
 22 when New Rochelle Road is all backed up because
 23 the Hutch is closed and flooded. We got enough
 24 traffic. You're only say 20 cars in and 20

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1 cars out, but that additional 20 cars in and 20
 2 cars out when I'm trying to walk my dog or he's
 3 trying walk his kids, it's a pain. It could
 4 kill us.
 5 Get the functioning traffic lights
 6 down there or walk signs, that will help. Make
 7 it so you could at least get across the street,
 8 not when you're halfway through the damn thing
 9 changes and people are trying to run you over.
 10 It's difficult.
 11 We know it's a busy thoroughfare.
 12 Like someone said, we moved there, we knew
 13 this, but to add to it, we don't need to. If
 14 we could minimize it -- but I don't think your
 15 one way out is a great idea. Is it great to go
 16 back out the other way onto New Rochelle Road?
 17 Probably not. We're lucky that no one has
 18 really been run over. Thank you for your time.
 19 MR. NEMECEK: Could I just ask you a
 20 question? Do you think that the -- putting
 21 aside what we heard about opening a convenience
 22 store increasing the number of trips, in your
 23 view does the traffic flow that exists now with
 24 the exits and entrances as they exist now, does

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1 it work?
 2 MR. ITRI: Not really. But either
 3 way, it's not good. All I'm saying is your
 4 idealistic thinking, great, we'll have you come
 5 in off of New Rochelle Road and come out here,
 6 ideally that's not going to work. Nobody is
 7 going to do it. If they had the opportunity,
 8 they're going to. Go to that traffic light
 9 when they're coming out of J & G --
 10 MR. NEMECEK: I've seen it work right
 11 over here at the -- where the Dunkin Donuts is
 12 right over here in Eastchester. That used to
 13 be -- the current entrance used to be a two way
 14 and they changed it, and once in awhile I do
 15 see a car going out that way but the flow has
 16 almost exclusively been fixed so that you --
 17 MR. ITRI: Yeah, but you also have a
 18 wider area. When you're trying to get out of
 19 that gas station and you already have three
 20 cars waiting, then you're going to block off so
 21 you can't make the left off of New Rochelle
 22 Road to go up Hillcrest --
 23 MR. NEMECEK: Sure. It's a less than
 24 perfect situation and there isn't a magic

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1 bullet here.
 2 MR. ITRI: Let me ask you guys a
 3 question: I'm sure you're all family people,
 4 you go do your food shopping at a supermarket;
 5 correct? How many times do you go into a gas
 6 station to buy something from a convenience
 7 store? I don't.
 8 MR. NEMECEK: You don't have to answer
 9 that question, Mr. Bonanno.
 10 MR. ITRI: Most of the time you go to
 11 the supermarket, you buy your groceries. Why
 12 do we need it? We got CVS. What we really
 13 needed there was a supermarket and not a CVS,
 14 but we got stuck with a CVS. So do we need
 15 another convenience store that has the same
 16 stuff that realistically how many people are
 17 going to stop in there and buy? Thank you.
 18 MR. NEMECEK: Thank you.
 19 (Applause from the audience.)
 20 MR. DECHANCE: Good evening. My name
 21 is Mike Dechance, and I live at 17 Alta Drive.
 22 My property borders the rear of the gas
 23 station.
 24 I would like some clarification on

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1 what are the proposed hours of operation
 2 because I haven't really heard that. You said
 3 some things are before the board, but what are
 4 the exact hours that are in this proposal
 5 because I haven't heard that? I know there's a
 6 lot of concern in the community about it, and I
 7 would like to know what's before you.

8 THE CHAIRMAN: Right now there are
 9 several proposals. One is 24 hours, one is --

10 MS. UHLE: No, no. The applicant has
 11 already been told that the 24 hours would not
 12 be permitted. What they've expressed on the
 13 record -- I don't believe it was in writing
 14 here unless it was buried someplace -- what
 15 they did express on the record and what I've
 16 repeated is they would like 12 to midnight. So
 17 that's what the applicant is --

18 MR. NEMECEK: 6 to midnight?

19 MS. UHLE: I'm sorry.

20 MR. NEMECEK: What I heard the
 21 applicant say, because I asked the question:
 22 What are your current hours of operation, I
 23 think --

24 MS. UHLE: 6 to 11.

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1 MR. NEMECEK: -- 6 to 11 right now,
 2 and I heard that in an ideal world they would
 3 have liked to have that 24 hours but
 4 recognizing that they're not going to get that,
 5 I thought I heard them say they would like to
 6 stay open until 12:00 midnight.

7 MR. DECHANCE: I didn't hear that. I
 8 listened very intently for that number. I
 9 would like to concur with my neighbors that I
 10 would ask the board to limit their operational
 11 hours to 10 p.m. All the other businesses in
 12 the area, and we understand small businesses,
 13 I've lived there 30 years, that they all close
 14 at 10. This is a residential area, this is
 15 where we put our heads down at night, and when
 16 you open your windows, especially in the
 17 summertime, the horns honking, the loud radios,
 18 and the cars, you hear that. We don't want --
 19 we want to go to sleep at night. We don't want
 20 to have that continuing on until midnight.

21 Also, second concern that I had is the
 22 rear area that has been -- borders my property,
 23 it needs a little bit more than tidying up.
 24 The reason why nothing could grow back there is

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1 because nothing has been done for 30 years. I
 2 have not seen anything done in that rear area.
 3 It is only until recently that the shopping
 4 cart got removed and compound buckets got
 5 picked up, but there are trees back there that
 6 need a little bit more than tidying up, and
 7 also there is a tree specific that's leaning
 8 towards my property that needs to be taken
 9 down. It's leaning this way, and I fear that
 10 it's going to damage my property. If somebody
 11 is walking and there's a bad storm, it could
 12 come down and hit somebody. So I would request
 13 that that tree be taken down. It's leaning
 14 towards my property and it's a concern. But
 15 that back area needs a little bit more than
 16 just a tidying up, and I would ask that the
 17 applicant be made aware that that has to take
 18 place.

19 So those are my two concerns, and I
 20 thank you for listening.

21 THE CHAIRMAN: Thank you.

22 MR. MOSCHETTA: My name is Steve
 23 Moschetta, I'm at 19 Archer. I'm also a member
 24 of Civic Affairs Committee of the Chester

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1 Heights Civic Association.

2 I just wanted to make a quick -- one
 3 comment in terms of the nature being a good
 4 neighbor. Chestnut Oil has not been a good
 5 neighbor since they purchased this gas station
 6 maybe 4 or 5 years ago. When it was owned by
 7 the previous owner, who was a small business
 8 owner, and also owned the station down in
 9 Pelham on Lincoln Avenue, the station was
 10 meticulously maintained. Nick, the owner, was
 11 on the site most of the time, and if you had a
 12 complaint, you could talk to Nick. But most
 13 importantly, Nick was a part of the community,
 14 understood what we wanted as residents of that
 15 community, which was a well maintained
 16 business, and that's what Nick did. When it
 17 was sold to Chestnut, Chestnut bought this
 18 property, I believe, with the intent of letting
 19 it get into a disrepair state so that we could
 20 reward them by doing what they're doing now,
 21 which is expanding their business and putting
 22 in a convenience store, which basically is
 23 redundant when you look at the CVS across the
 24 street, and basically redundant.

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So in terms of being a good neighbor, Chestnut has not been a good neighbor, and therefore, that's why I think their hours of operation should be limited until 10 p.m. at night. There is no business in our neighborhood that's open past 10:00. There is a gas station up the street, Hanna Sunoco, who closes at 10:00 at night. So I don't see why -- what incremental revenue they will gain by being open past 10:00 at night. The only effect will be additional crime and additional traffic maybe into the neighborhood, and this is not that type of neighborhood.

They're asking the community to put up with a lot in terms of -- the traffic engineer said the number of trips is going to increase not 20 trips but 50 percent. Let's use the percentage. It's 50 percent. New Rochelle Road is a nightmare almost any hour of the day, okay. Now, he mentioned 8 to 9:00 in the morning, I would like to know what those rates are from 7 to 8 because that's when people go to work. You know, 8 to 9 basically you're already at work. To me, that's a specious

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number, 8 to 9:00, but that's been said. Quite frankly, their website right now for the gas station has them closing at 11 and on Sunday nights closing at 10. So I don't understand what that extra hour of incremental revenue is going to get them other than asking the neighborhood to put up more of an uproar, quite frankly.

I know the plan says there's plenty of, you know, turning radius and all that stuff, but if you just look at it sensibly, there is no way with two sets of pumps on that site that you're going to have traffic flow smoothly through that site. So, I mean, you know, it's kind of hard to say, no, let's shut this down, it's not going to happen, I know that's not going to happen, but I think as Bob Marzziotti said, we're making a very bad situation a little less bad.

I think part of -- in terms of being a good neighbor, Chestnut should probably be a little bit more flexible -- not flexible but should adhere to the request of a 10:00 curfew for their business. So thank you.

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MR. NEMECEK: If I could correct something that you said. I think you said that none of the businesses in the area are open past 10:00. I just did a quick search of Elia Taverna, which is wonderful restaurant right next door, and it does have -- it lists hours until 11:00 on Fridays.

MR. MOSCHETTA: And most nights it's closed at 10, even on weekends.

MR. NEMECEK: Friday and Saturday. I've been there. There are lines at 6, 7:00.

MR. MOSCHETTA: For practical purposes, it closes at 10, and it's a restaurant. It's not a convenience store.

MR. NEMECEK: I'm just staying. Gordy's is down the street, I don't know what the hours of that are. I was just checking that. Just to be clear, there are businesses --

MR. MOSCHETTA: Quite frankly, we negotiated with CVS to close at 10:00 as well. They came in, they want to run, I believe, until midnight, if not longer. So, you know, precedence is there.

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MR. NEMECEK: I get your point. Okay, thanks.

THE CHAIRMAN: Any more comments from the public? Good. Oh, you do. Sure. Come on up.

MR. BAMFORD: Kirk Bamford, I live at 10 Charles Place in Chester Heights. I agree with what all the residents have said so far about if there is a need to expand the business, which is duplicating a business already in place. Obviously, I understand small business as well and that it is important for communities as well. I don't believe, again, as they said, about the hours of operation, that they should be extended to beyond 10 p.m. We talked about the impact on traffic. It would be interesting to know exactly the impact on traffic later in the evening and from a factual standpoint. Even still, I don't believe it's in the best interest in the community to have the operation open later than 10:00.

The other thing you got to think about as the summer comes in and time grows longer

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1 and daylight stays later, it does become an
 2 opportunity for youths and younger people to be
 3 looking for somewhere to go to get, you know,
 4 convenience products, candy and drinks and
 5 things like that, and there's a park and a
 6 softball area just to the other side of the
 7 road, which is potentially giving them an
 8 excuse to be somewhere where they don't need to
 9 be at that time of the evening and potentially
 10 give them the opportunity to extend that stay
 11 in that community when, obviously, the parks
 12 close down at dusk and things of that nature.
 13 So that is a potential risk of having a
 14 business that is convenient for that age group
 15 to be able to take advantage of, and therefore,
 16 stay out longer in the community, and
 17 therefore, potentially lead to other nuisance
 18 factors that none of the community or residents
 19 need. That was my point. I don't think it's
 20 been addressed, but I thought I would bring it
 21 up.

22 MR. NEMECEK: Thank you.

23 THE CHAIRMAN: Thank you.

24 MR. NEMECEK: We also have the letter

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1 from Mount Vernon.
 2 THE CHAIRMAN: Why don't you read that
 3 into the road.

4 MR. NEMECEK: I'll read that. It's a
 5 letter from -- is it --

6 MS. UHLE: It's Shawyn.

7 MR. NEMECEK: Shawyn, S-H-A-W-Y-N,
 8 Patterson-Howard, and she's the Commissioner of
 9 the Department of Planning and Community
 10 Development Mount Vernon Urban Renewal Agency,
 11 and it's addressed to Linda Laird, Town Clerk
 12 Town of Eastchester:

13 Dear Ms. Laird, since our first
 14 written communication to you by letter, we
 15 understand that an application and an amendment
 16 concerning 504 New Rochelle Road was approved
 17 by the Eastchester Zoning Board of Appeals and
 18 the Eastchester Architectural Review Board. We
 19 are also aware that this application is before
 20 the Eastchester Planning Board for
 21 consideration. Our position remains that the
 22 city of Mount Vernon has never been made aware
 23 of this application, and therefore, has not had
 24 an opportunity to opine on the application as

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1 required by law. As you may know, Article
 2 12-B, Section 239-L, M and N of New York
 3 State's General Municipal Law pertinent
 4 intercommunity and countywide planning, zoning,
 5 site plan and subdivision considerations shall
 6 be sent to the attention of neighboring
 7 municipalities and agencies having jurisdiction
 8 within 500 feet of the subject
 9 property/application. Also, as this is an
 10 "unlisted" action in accordance with SEQRA law,
 11 the city of Mount Vernon is an interested
 12 party. Accordingly, the city of Mount Vernon
 13 may have concerns regarding this application
 14 and/or the amendment such as but not limited to
 15 environmental, traffic, and aesthetic impacts.
 16 In order to determine if we have any concerns,
 17 we would need further information to fully
 18 assess the potential impacts of the proposal on
 19 the city of Mount Vernon and it's residents.
 20 As a neighbor of the city of Mount Vernon, it
 21 is imperative that we comprehensively plan our
 22 communities through our land use decision
 23 making to ensure not only our future growth but
 24 also to preserve the existing quality of life

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1 for all of our residents. The city of Mount
 2 Vernon would greatly appreciate the opportunity
 3 to provide comments regarding the
 4 aforementioned application and to learn more
 5 about the specifics of the application and it's
 6 amendment -- amendments. Please be advised
 7 that the city of Mount Vernon expressly
 8 reserves all of its rights and interests and
 9 may challenge any determinations it feels may
 10 direct or indirect -- and I believe that's
 11 supposed to be indirectly -- impact upon the
 12 city of Mount Vernon. If you have any
 13 questions, please contact me at 914-840-4029.
 14 Thank you for assistance in this matter.
 15 Respectfully, Shawyn Patterson-Howard
 16 Commissioner.

17 I know this is -- I'm just reading
 18 verbatim from this. I think Margaret has
 19 informed me that the town doesn't necessarily
 20 agree with the factual representations made
 21 herein, but we've read it into the record.

22 MS. UHLE: We've read it and it's
 23 actually -- we first had noticed the City Clerk
 24 in Mount Vernon on October 6th of 2015 and I've

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1 made a number of phone calls that have gone
2 unreturned. I think we fulfilled all of our
3 legal obligations with regard to certain
4 requirements. I think there are also some
5 misstatements in that letter.

6 All that being said, I have always
7 indicated that we are happy to have Mount
8 Vernon comment on the application and they're
9 certainly welcome to.

10 I will point out that their letter
11 dated June 23rd references the letter dated to
12 me or to Ms. Laird on March 30th also basically
13 saying we still are claiming that we are
14 unaware of this application, but they were
15 unaware of it in the letter on March 30th as
16 well.

17 In response to this letter that they
18 sent on March 30th, they requested that I
19 contact the law department or that Linda Laird
20 did, but I did. I contacted them, spoke to an
21 individual, discussed the letter, and was told
22 someone would get back to me and nobody did.

23 So again, we're happy for Mount Vernon
24 to comment on the application. So far the only

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1 correspondence I've gotten from Mount Vernon
2 has indicated they are still unaware of the
3 application. So, you know, I will continue to
4 follow up with them.

5 MR. NEMECEK: I think you told me that
6 based on a phone discussion you had with Ms.
7 Patterson-Howard today, that she's only been --

8 MS. UHLE: She's fairly new. I think
9 she's been there about three months, so she's
10 still coming up speed. I had reached out to
11 the former Commissioner of Planning, his name
12 is Jaime Martinez. Actually, on February 1st,
13 2016, I left a phone message for him indicating
14 I would be happy to send him any information or
15 discuss the application with him, and he never
16 returned my call as well. So I think we really
17 have a lot of documentation that we have
18 reached out to Mount Vernon --

19 MR. NEMECEK: As I would expect,
20 Margaret, given your thoroughness.

21 MS. UHLE: I will say once again, they
22 are welcome to comment on the application. I
23 did send them the complete application that was
24 submitted to all of you in a PDF format so they

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1 have that. So they certainly have all the
2 information now if they would like to comment
3 on it.

4 THE CHAIRMAN: Delivered at the same
5 time as ours last week, Margaret?

6 MS. UHLE: No. Again, because there
7 is no legal obligation to do that, we notified
8 the city clerk, but when I received a phone
9 call, I just -- it was just today that I
10 received the phone call from the current
11 Commissioner of Planning. So as soon as I
12 received that phone call, I offered to send her
13 the application and I did.

14 THE CHAIRMAN: Emailed PDF?

15 MS. UHLE: E-mailed, yes.

16 THE CHAIRMAN: Good. So this is a
17 public hearing. We've heard all the comments.
18 Thank you, everyone, for the comments. I have
19 a long list here. I think we all have a long
20 list of everyone's concerns, all of which we
21 were not aware of unless you brought them
22 forth, and we do appreciate your participation
23 in this.

24 That being said, this application has

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1 sort of taken on a different light from our
2 point of view, and I think it needs some more
3 review from all of us on the board. So I do
4 not believe that anyone here is in any position
5 to decide on this application tonight.

6 MS. UHLE: I was just going to say,
7 because I think most of the residents that are
8 here are probably so much more familiar with
9 the application than you are, and even I had to
10 remind myself and I had to remind the applicant
11 that -- and I stand corrected -- it first
12 appeared before you in June of 2014, which was
13 two years ago. So I think even though, you
14 know, some of the issues have been discussed
15 exhaustively, it still is sort of new
16 information for you guys to sort of digest and
17 absorb and visit the site. I also think, based
18 on, again, comments that I've heard previously
19 but now we're getting to the point where if you
20 were to consider -- first of all, you have to
21 consider your vote, but if you were to consider
22 approving it, formulating conditions of
23 approval that will make people feel more
24 comfortable with the application.

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MR. NEMECEK: There may be some suggestions that were made by the members of the public that the applicant may want to consider. An easy one, Mr. Tudisco just pointed out maybe the vinyl fence is something that -- I don't know if it's better than the stockade fence or --

MS. UHLE: I actually missed the last Architectural Review Board meeting -- which I honestly never do but I did -- I know that I had also mentioned to the applicant that I preferred vinyl. I mean, you sort of have an intuitive --

MR. NEMECEK: Vinyl is canceled, the HBO show.

MS. UHLE: I heard that. I think the problem with the wood stockade fence is they just look terrible very quickly. The individual slats break off. We get complaints about them all the time. So that's a concern of mine as well. I was going to ask that we have a larger scale landscape plan so it's a little bit easier to evaluate the plants list, and I think I would like to get some comments

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on there that talks very clearly about the maintenance of existing trees and that could become a condition of approval as well.

MR. NEMECEK: This is a tricky application because there's an existing gas station there and it has a convenience store and the owner wants to make enhancements. From the sounds of it, really nothing is going to happen at the gas station, it's going to remain in its present configuration, but they do want to expand the convenience store, and as a result of that, we've brought in the expertise of our parking consultant, we've solicited and received, I'd rather suspect that the members of the public have addressed certain of the concerns they raised today before both the Zoning Board and the Architectural Review Board, but this is the first time that we're hearing them. I do remember two years ago this application briefly coming before us, and I think it was the very start of the process and I think we just pushed it on to the Zoning Board recognizing that there would be a number of different variances that would be required

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before it could even come back to us.

There are a number of different issues here that do require us, I think, to consider this a little more carefully. When I looked at the site recently, I wasn't even focusing on the buffer of trees in the back and what condition that was in and, quite frankly, it was only in looking at this map here and looking at the relation of this particular property to the southbound entrance on the Hutchison River Parkway that it struck me that there were different traffic flow issues then I certainly was considering when I first looked at this property. I think, you know, recognizing that this is our last meeting until September and that it does present something of a temporal hardship, I think I, for one, would appreciate a little more time to digest what we've heard today and see if there's an opportunity to address certain of the issues that were raised by the public from the applicant. Maybe there are some compromises in there that could be reached. Otherwise, table this until September when we all should be

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in -- I know I, for one, will be in a better position to deliberate on this.

MR. TUDISCO: Mr. Chairman, there is something else I wanted to address, and I was trying to get at it earlier with some of the question that came up to kind of separate issues involving the plan, which is certainly your purview, versus issues involving enforcement. There have been a number of concerns that have been addressed by the public tonight and at all meetings about the maintenance of the property itself and potential violations. I could honestly say I prosecute the Building Department violations in town, that the Building Department is very responsive to complaints from the community in terms of coming out, enforcing. We have a code enforcement officer.

Additionally, a large percentage of the traffic violations that I prosecute in town involve things that occur in that corridor, and so, to the extent that there are parking issues, someone had mentioned that there are cars that are improperly parked and they're not

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1 ticketed cars or that issue is not being
2 addressed, I would encourage you to contact me
3 in the Law Department, and I will certainly, if
4 it comes down to it, arrange a meeting with the
5 police department about enforcement issues
6 because I think regardless of what the board
7 does, the enforcement issues is something we
8 could address if people are not following what
9 they're supposed to be following. I certainly
10 take that stuff seriously. So I just wanted to
11 put that out there as well.

12 THE CHAIRMAN: So, Mr. Tudisco, just
13 so I understand, is going out an in entrance an
14 enforceable -- is that something the Police
15 Department enforces?

16 MR. TUDISCO: Yes, it can be. For
17 instance, the example that I brought up, there
18 is a one way designation going into the
19 hardware store on Highland and 22, there's a
20 one way sign at the mouth of that and a do not
21 enter, there are cars from time to time that
22 will violate that, and if the police are there,
23 I've certainly prosecuted cases. But I believe
24 that the plan to route the traffic one way
25

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1 going through there makes it a much safer
2 intersection and a much safer driveway. So I
3 think there has to be a difference between
4 whether or not the plan makes it safer versus
5 are people actually going to do what they're
6 supposed to do on the site. I just wanted to
7 make that distinction, that's all.

8 THE CHAIRMAN: Thank you. I
9 appreciate that.

10 MR. TUDISCO: That's why I addressed
11 that question earlier.

12 THE CHAIRMAN: Any other comments up
13 here from us that we would like to ask of the
14 applicant, who has left?

15 MS. MARTIN: I'm here.

16 THE CHAIRMAN: There you are.

17 MS. UHLE: One thing with regard to
18 Mount Vernon. If you keep the public hearing
19 open -- and this is just kind of in a side -- I
20 think I am going to request that -- I do feel
21 like I've reached out to them, and I am going
22 to request that if they have comments they
23 could certainly come to the public hearing in
24 September, but ideally I think we would like to
25

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1 receive their comments sooner rather than
2 later, especially since we have two months.
3 There are circumstances when planning boards --
4 we've never done this before and I'm not
5 recommending that you do this, but there are
6 times when planning boards say, we're going to
7 keep the public hearing open for additional
8 written comments say until August 15th or
9 something. You don't actually have to have the
10 public hearing occur for oral comments at the
11 next meeting and sometimes boards do that so it
12 allows people to get additional written
13 correspondence in but then at the following
14 meeting you're not hearing all sorts of new
15 information or the same information.

16 MR. NEMECEK: There is a particular
17 danger that if a municipality like Mount Vernon
18 can't get it back together and submits
19 something last minute which is impactful, it
20 could further delay this, and that's not our
21 objective particularly given the timing. So
22 I'm in favor of that.

23 MS. UHLE: You could do two things:
24 You could continue the public hearing in
25

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1 September and then that way residents may have
2 an opportunity to respond to some of the
3 compromises and that kind of thing, which I
4 think is fine, but I also think in addition I'm
5 going to put something in writing to Mount
6 Vernon requesting that if they do have actual
7 comments on the plans, not on the notice
8 process but on the plans, that they try to get
9 those to me within a month because we were
10 fortunate, or unfortunate, depending on how you
11 look at it, we have two months. So I think I'm
12 going to request that specifically. I just
13 wanted to let you know that. That way if they
14 do have comments, I could circulate that to
15 people and you could respond to those.

16 THE CHAIRMAN: So, Margaret, I'm
17 seeing all the comments we have today and I'm
18 thinking the next two months is a good work
19 period to work through all of this with our
20 consultants and come up with an application
21 that might incorporate some of this or, as you
22 said, conditions of approval based on what
23 we've heard today.

24 We are going to leave this public
25

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hearing open and we'll pick it up in September.

MR. NEMECEK: Do we want to put a requirement that any written comments --

THE CHAIRMAN: I think she did already.

MS. UHLE: I think typically if you're going to leave the public hearing open until September, they could respond until September, but I'm going to just request if they can, that they get us the comments earlier.

The other option would just be to say the public hearing is only open until say August 15th and only for written comment, but I think you want to take public comment in September any way.

THE CHAIRMAN: Great. So see you in September.

MS. MARTIN: Okay then.

THE CHAIRMAN: Very good job with the presentation, by the way.

MS. MARTIN: Thank you.

MR. NEMECEK: Do you have any comments?

MR. TUDISCO: The public hearing is

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still open and we're adjourned.

MR. NEMECEK: Do you have any comments for us?

MS. MARTIN: There are a few things that I would just stress, that the variances that we applied for have nothing to do with the use of the building or the size of it or its location. The only variances we needed were for the parking and the backup area. I do want to stress that. I know there was a lot of public comment about the use of the building. That's not something that we needed a variance for from a legal standpoint.

As far as anything else --

MR. NEMECEK: Your convenience store was there before CVS was; right?

MS. MARTIN: Correct. Correct. So that was my main point. Any other comments that need to be addressed, we'll go through the official meeting minutes and look through them before September.

THE CHAIRMAN: Thank you.

MR. NEMECEK: Have a good summer, everyone.

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THE CHAIRMAN: Next application is Application 16-32, 6 York Place.

MR. FINELLI: Good evening, Mr. Chairman, members of the board. Mike Finelli, I'm the architect for the project, 6 York Place. I have with me this evening Michael Mastrogiamomo, who is the engineer for the project. So if there are any questions as far as storm water goes, drainage, anything of that nature, he would be happy to address those and answer any questions for you.

We were before the Architectural Review Board on June 2nd. We were approved and passed along to this board. The only recommendation or, I guess, request that they made, they wanted to see a cut -- a light fixture cut for the flood light over the garage door, which we brought with us. It's your typical simple just white flood light. I can pass it forward if you would like. That was the only request, but I figured I'd get that out of the way, and then I could go through the project.

Basically what we have is an existing

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center hall colonial on 6 York Place. The owner had called us in to take a look. She wanted to do an addition to the home. She had -- they have a lot of insulation issues. It's an older home, very poorly insulated. So one of the first things they wanted to do was the left side appendage -- this set of drawings here, by the way, is the existing conditions in the home. So that's what it looks like today. They wanted to remove the left-hand addition, which was a porch, I guess enclosed at some point, which Mr. Steve Spungen, the owner, uses as a home office. Again, it was a porch that was enclosed. There might not even been insulation in there. It's very cold. The initial project was to rebuild that.

Eventually, the project took on a life of its own and we ended up tearing off the garages, which are to the right, a small addition that was done later on on the right-hand side at the second story, which has a master closet in it and all the same issues, poorly insulated, poorly built, and we tried to give it a new face and kind of rework the

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house.

I'll flip this over and show you a rendering I did. Sorry. So we tried to give it a face lift. Again, it's a center hall colonial as it stands today. The main roof line stays exactly the same. It actually looks a little squatter. The second floor is only framed at a 7 foot tall plate instead of 8 foot even though they are 8 foot ceilings. So it does drop down a little bit further in front. So to break that up a little bit, we added these little dormers, which as you drive around Eastchester they're everywhere. This is kind of like, I guess, the basically facade of Eastchester with the little dormers on top. We added a nice porch across the front. We rebuilt the entire home office to the left. We put a bay on there. Again, we added a lot of character, a lot of scaling elements to the project.

The entire right-hand side was also reconstructed. So the addition at the second story, which continues to house a master closet, the master closet got slightly bigger,

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just a little bit more appropriate for what the homeowners wanted, and we also were able to give them a true one car garage. The garage that was there was about 9 feet wide. It was pretty tight. So now it's a little bit wider. I believe it's 11 feet across.

Again, follow with the same thing with the little gable across the top. We kept the brick veneer, which is at the first story which sits behind this porch. We basically took off a little glass vestibule that was added on at some point right at the front door and behind that there is some beautiful trim work that the homeowner wanted to expose. So we're leaving the porch sloped so that way when you access that porch, you're looking up and you're seeing all the trim work. Here it's kind of hidden behind the roof line, but if you walk up to the house, you'll actually look up and under and at it. We don't have a picture of it because it's still buried behind the little --

MR. NEMECEK: It's the semicircle I see in the back?

MR. FINELLI: Yes, that's it. So we

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were hoping to just kind of expose that and bring that back out. The home itself is going to be clad in HardiePlank. It's a blue, I believe slate blue is the name of the product. Yes, slate blue. Sorry about that. The windows are going to be Pella windows. They're white vinyl. It's going to be clad with AZEK trim. So all the trim is going to be white. The roof is a dark charcoal roof. I have samples of everything. If you would like to see them, I would be more than happy to show them to you. The garage is going to be a white steel door, Clopay, typical finish. The front door is going to be re-stained black. At one point, I guess it was black, it was painted red. So they're going to re-paint it black. More of a traditional look. Again, it ties in real nice with the roof and the rest of the house.

From a zoning perspective, we meet and comply with zoning in all ways.

Beyond that, I'm happy to answer any questions that you have, show you samples, whatever you might want.

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MR. NEMECEK: You're adding a porch?

MR. FINELLI: We are, right across the front.

MR. NEMECEK: How far is that porch coming out from where the current entranceway is?

MR. FINELLI: If you bear with me one second, I will tell you. Sorry about that, it's a little tight up here. It's about 8 feet off the front of the house. It's going to be a true rocking chair porch. You could put some furniture out there and actually sit out on the front porch.

MR. CUNNINGHAM: 8 feet?

MR. FINELLI: I'm sorry.

MR. CUNNINGHAM: 8 feet?

MR. FINELLI: 8 feet, yes.

MR. NEMECEK: Is the footprint of the house being changed at all.

MR. FINELLI: It is. Both appendages are going out a little bit further. We're going out about 3 feet on the left, if I remember correctly, and about 2 feet on the right. We still are --

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1 MR. NEMECEK: And the porch is as
2 well?
3
4 MR. FINELLI: And the footprint of the
5 porch, correct. We are doing some site work in
6 the back as far as a patio. There's a large
7 on-ground porch deck, we're removing that.
8 We're going to be doing a patio on grade.
9 We're adding a little porch on the rear of the
10 house as well. As a matter of fact, if you
11 look at the drawing right below there, you can
12 see the porch. It will be coming off the rear
13 of the house. That porch actually steps out of
14 the back yard onto the new on-grade patio. For
15 the most part, other than the additions getting
16 wider, that area, even though it's all new
17 work, it will be smaller than what was there.
18 We took the theme of the bays and all
19 the appendages and the box bays that we added
20 on the house, we kind of wrapped that all the
21 way around. So even from the rear of the
22 house -- we added a bay window off the
23 breakfast room. We kind of played with it.
24 It's not just a flat box all the way around.
25 There's a little something going on all the way

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1 around. It just kept it playful and a little
2 bit more interesting.
3
4 MR. NEMECEK: You had bay windows in
5 the front on the existing --
6
7 MR. FINELLI: Yes. They're still
8 there.
9
10 MR. NEMECEK: They're still there?
11
12 MR. FINELLI: They are still there.
13 We thought about removing them but --
14
15 MR. NEMECEK: Bay windows under a
16 porch?
17
18 MR. FINELLI: Well, they're existing
19 bay windows that sit inside of the brick. We
20 were going to remove them, but then we found
21 that the cost to do that and remove all the
22 brick it just didn't make sense. We actually
23 like the look better. They only stick out
24 about a foot and a half. So with an 8 foot
25 porch you're still looking at 6 and a half
feet.
THE CHAIRMAN: Where are the CULTECs
going?
MR. FINELLI: I'm sorry? Oh, Mr.
Mastrogiacono will answer those questions for

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1 you.
2
3 THE CHAIRMAN: Great. Thank you. The
4 dry wells, the CULTECs, where are they going to
5 be going?
6
7 MR. NEMECEK: Introduce yourself
8 formally.
9
10 MR. MASTROGIACOMO: Sure. Michael
11 Mastrogiacono, I'm the engineer for the
12 project. The way we've designed it is a net
13 zero increase. So any new impervious areas
14 we're collecting all the rain off and we've
15 come up with two CULTECs required to handle the
16 additional flow.
17
18 MR. NEMECEK: What's the overall
19 increase in impervious surface?
20
21 MR. MASTROGIACOMO: Approximately 400
22 square feet.
23
24 THE CHAIRMAN: Thank you. That's the
25 only question we had. So everything is going
to that, right, the driveway drain, the trench
drain plus everything else?
MR. MASTROGIACOMO: Yes. We've also
designed the overflow in case we get more than
the hundred year storm it's got some sort of

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1 relief, and it's set 10 foot back from all
2 property lines as per the state code and also
3 DEP regulations, Westchester County
4 regulations.
5
6 THE CHAIRMAN: That's the overflow to
7 the left there. I see it.
8
9 MR. MASTROGIACOMO: Correct.
10
11 MR. NEMECEK: Currently there's no
12 system for accumulating the water?
13
14 MR. MASTROGIACOMO: Not that we know
15 of.
16
17 THE CHAIRMAN: Great. Thank you.
18 Other comments, guys?
19
20 (No comments.)
21
22 THE CHAIRMAN: I'm going to open the
23 public hearing. So let me just go through the
24 public hearing and then we'll get back to you.
25
MR. FINELLI: I'm sorry.
THE CHAIRMAN: I said let met just
open the public hearing and then we'll
continue.
MR. FINELLI: Sure.
THE CHAIRMAN: I make a motion to open
the public hearing on Application 16-32, 6 York

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Place.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Comments?

MR. NEMECEK: Public, this is your big opportunity. Huge viewing audience at home.

(No comments.)

THE CHAIRMAN: Make a motion to close the public hearing on the same application, 16-32, 6 York Place.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Can I just see the Hardie Board sample, please?

MR. FINELLI: Sure.

THE CHAIRMAN: It's a very nice job.

MR. CUNNINGHAM: Yes, well done.

MR. NEMECEK: Going back to the issue of the bay windows underneath the porch, is that purely a money issue?

MR. FINELLI: No. I think the cost versus the benefit just doesn't make sense.

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MR. NEMECEK: If money were not an object at all, would you flatten it?

MR. FINELLI: I'm not -- you know what it is, I kind of like the old bay windows that are there myself. We kicked it around a little bit, but I don't think you're going to gain anything. They're aesthetically pleasing.

MR. NEMECEK: It's an attractive house. You did yourself a disservice by putting the existing house with all these beautiful azaleas in front of it, and it looks pretty nice, and I understand functionally the additions that were put on it were what initially prompted the request for your services and you've done a fine job, you know, building that out into something that I'm sure is quite an improved functional home, but the one issue I sort of have, and I'm not on the ARB, I know people who are, the -- it seems like you lose the area -- you know, you said you have this very nice finish above the door, I can see it here, even though it's somewhat hidden by the existing piece that they put in front, a portico or whatever you want to call

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it. I don't see it in your illustration, I don't see that, and I can't really see the bay windows coming out from your illustration there, but it strikes me if you have a porch, particularly one, as you said, where you're going to put rocking chairs out there, the thought of having windows protruding out --

MR. FINELLI: It's been done in the past. This isn't the first time that we'll see this. It's been done throughout history. If I knew this --

MR. NEMECEK: Throughout history, huh?

MR. FINELLI: Yes, throughout history. If I knew the question would be asked and you wanted examples, I would have had them. It's actually been done. And again, just to remove them just to --

MR. NEMECEK: I understand. It's a very substantial cost and the owner is okay with it, I'm more inclined to think, who am I to insist on imposing a large additional cost when, you know, there are so many more important renovations being made here. I just wanted to confirm what the impetus for this

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was.

MR. FINELLI: I understand. Like I said, unfortunately, if it was -- if it wasn't clad in brick and actually literally set in stone, I would think it would be much easier to pull those out and throw some French doors in there, which was our first knee jerk reaction to open it up to the living room and dining room which sits on either side. Unfortunately, the money spent there, just again going back to the finances for a second, there is so much being done, like you said, I would rather see the money put elsewhere and actually get the rest of it built and we could live with the bays. They're actually beautiful if you see them in real life. They're actually quite nice.

MR. NEMECEK: Any other questions?

THE CHAIRMAN: No, I don't have any more questions, so we'll move forward because I think you're up again.

So I'll make a motion to approve Application 16-32, 6 York Place.

MR. PULASKI: Second.

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THE CHAIRMAN: All in favor.

(All aye.)

MR. CUNNINGHAM: Very nice job. Well done.

MR. FINELLI: Thank you.

THE CHAIRMAN: Next, Application 16-33, 36 Hewitt Avenue.

MR. FINELLI: Good evening, again.

Second project here this evening. Again, Mike

Finelli, the architect for the project, and,

once again, Mr. Michael Mastrogiacomo, engineer

for the project. We have our second project

we're going to show you this evening that we

are presenting is an addition that we're doing

to a home on 36 Hewitt Avenue. There is an

existing colonial home which sits right on the

corner of actually Hewitt and Hewitt as it

turns the corner. So if you're coming off of

California Road, right before Hewitt makes the

left it's the home that sits on the corner. So

the grade naturally slopes up from the bottom

of the hill up and around the house. If you

see that the rendering that I have here

depicted, the garage sits on the lower side and

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as the street swings up and around the grade climbs up and to the right.

This home came to me because of a retaining wall that was failing right by the side of the garage and the homeowners hopes of actually turning this home into a

Mediterranean. We literally had an entire set

of drawings prepared, filed, and we had to pull

it based on cost issues. The costs, they were

literally astronomical. So we came back and we

took a lot of the design personality of the

house that we were going with and we brought it

more into a simpler more of a colonial -- I

wouldn't even call it a colonial -- more of

a -- I'm not sure -- more of a Tudor, I would

say, Tudor-ish colonial style home. So we

basically brought a lot of the flavor, that

being the stone veneer that we were trying to

get into the house. We really wanted the home

to be stucco. The home, we wanted to have a

pitched roof. In this case we ended up going

with a hip roof all the way around. The arched

segmented casement windows, again, these are

all elements tying back to that initial design,

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and then we were trying to translate them

through and bring them to this design here. We

did a wrought iron railing across the second

story to mimic balconies, more of Juliet

balconies which is more reminiscent of the

Mediterranean style, but that detail came

through and, funny enough, I said it at the

ARB, I'll saying it again, the color scheme and

even the actual wrought iron rail, if you see

Mickey Spillane's on 22 they've used the same

color pallet and the same style of wrought iron

railing on their balconies. So it's very

similar. I know that's a commercial

application, this is more residential. So we

were trying to bring all that detailing down

and through.

So in repairing that retaining wall at

the front of the house where the garage

currently sits, we decided to pull the entire

house forward 8 feet. When it was initially

designed and built, it was set back on the

property to give it more of a front yard and,

in essence, it kind of shrank the width of the

house. So we widened it by pulling it forward

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8 feet. To give it some character, I stepped

and jogged the front elevation. I've created a

two story portico, which we clad in stone, and

that was again just to add some more relief to

the house, a little more character, and really

bring this idea of the arched segmented

vertical shafts of windows all the way through.

As far as coloring goes, just very

quickly to go through some of that, the stucco

is going to be beige in color, the railings --

all the railings on the home are going to be

wrought iron, they'll all be black. The stone

is actually a Westchester granite. I have

samples of that as well. You go through

Eastchester and Tuckahoe, Westchester granite

is all over the place. It's the stone you see

on everyone's house. So it's that grayish

color. The windows are Andersen white vinyl.

We're going to do a mahogany stain door, as

well as the garage door will be a stain door to

match, again, with the lights inside of it.

There's actually a little roof overhang with a

couple of brackets to accentuate the garage a

little bit and kind of break it apart to add a

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1 little more horizontality (sic) to that
2 vertical element being that there is that step
3 down right there because of the wall. The door
4 is a Clopay door. Like I said, it's going to
5 be stained.

6 We got approval at ARB for this one as
7 well on June 2nd, and they also asked for
8 samples for the light fixtures, which I brought
9 with me as well. We only have two sconces at
10 the front door and there will be a pendant
11 light hanging in the entryway, and I have
12 those. If you would like, I could pass them
13 forward if you want to see them, or I could
14 just kind of flash them to you like this.

15 MR. NEMECEK: The hanging light is in
16 the portico?

17 MR. FINELLI: Yes. It will hang from
18 the top, and it will be in between the window
19 above the door and the door itself. So in
20 between that brown panel it will be hanging
21 right in there. Beyond that, once again, any
22 questions I could answer or samples I could
23 show you, I'll be happy to do so. Mr.

24 Mastrogiamomo is here also to answer any

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1 questions about CULTECs and drainage or
2 anything of that nature that might be able to
3 help.

4 MR. NEMECEK: That's a functional
5 chimney on the far right?

6 MR. FINELLI: Yes. Yes.

7 MR. NEMECEK: Does it change in size
8 from the existing chimney?

9 MR. FINELLI: Does it change in size?
10 It does. It actually changes in location and
11 in size. I think the existing is 36, this one
12 will be a 42 inch. This is also a gas
13 fireplace, so functional, yes, as far as the
14 flue goes.

15 MR. NEMECEK: It changes in location
16 as well? I know the existing --

17 MR. FINELLI: It does. Well, to the
18 right that's an addition. Sorry. There is
19 actually a little one story there now kind of
20 clad in windows. We're adding a second story
21 above it. We're actually re-framing the entire
22 roof. I just want to point that out real quick
23 as well. We're going to frame the main roof on
24 top of the attic so this way it will give us a

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1 little bit of a break and it won't look like
2 one continuous roof across the whole thing.
3 That will actually give it a little bit
4 hierarchy as well, and we're doing a little
5 barrel dormer to the right to kind of soften
6 the roof line as it comes across and through.
7 So a lot of nice details, keeping that arched
8 theme all the way through.

9 THE CHAIRMAN: It's very handsome.
10 Very nice job.

11 MR. FINELLI: Thank you.

12 MR. CUNNINGHAM: It's nice the way you
13 carried it around to the rear elevation also
14 with the balcony in back.

15 MR. FINELLI: I'm sorry, the air
16 conditioner is making it a little hard to hear.

17 MR. CUNNINGHAM: I said it's nice the
18 way you carry it around to the rear elevation
19 with the balconies on the back.

20 MR. FINELLI: Thank you. Thank you.
21 I'm not a big fan of the detailing kind of
22 ending.

23 MR. CUNNINGHAM: Very nice.

24 MR. FINELLI: Thanks.

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1 THE CHAIRMAN: Let me just do the
2 public hearing, so just hang on a moment,
3 please.

4 MR. FINELLI: Sure.

5 THE CHAIRMAN: I make a motion to open
6 the public hearing on Application 16-33, 36
7 Hewitt.

8 MR. NEMECEK: Second.

9 THE CHAIRMAN: All in favor.

10 (All aye.)

11 (No comments.)

12 THE CHAIRMAN: Close the same
13 application, 16-33, 36 Hewitt.

14 MR. NEMECEK: Second.

15 THE CHAIRMAN: All in favor.

16 (All aye.)

17 MR. PULASKI: Are you leaving the
18 retaining wall the way it is or --

19 MR. FINELLI: No. We're actually
20 going to be --

21 MR. PULASKI: Changing it to stone?

22 MR. FINELLI: We're going to be
23 cladding it in stone, but it will be a cement
24 retaining wall.

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1 MR. CUNNINGHAM: It's the same stone
2 you're going to carry around --

3 MR. FINELLI: All the way around. The
4 same Westchester stone. Like I said, I have a
5 sample of it if you would like to see it.

6 THE CHAIRMAN: Yes, bring that over.
7 Is it a big piece of stone? I've never seen
8 it. You called it Eastchester stone or
9 Westchester stone?

10 MR. FINELLI: That's the actual name.
11 I thought someone made that up.

12 THE CHAIRMAN: Where's Westchester
13 stone from?

14 MR. FINELLI: This Westchester stone
15 is actually from Dutchess County.

16 MR. NEMECEK: Fraud.

17 MR. FINELLI: The quarries that used
18 to quarry that from around here are all closed
19 down now.

20 THE CHAIRMAN: There were local
21 quarries where it came from?

22 MR. FINELLI: I'm sorry.

23 THE CHAIRMAN: There were local
24 quarries where it came from?

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1 MR. FINELLI: It used to come from
2 local quarries here, but the one that remains
3 it's actually -- I think it's Pawling, but it's
4 in Dutchess County where they actually quarry
5 it, and they still call it Westchester stone
6 because it's the same color. Anywhere you go
7 in Eastchester, in Tuckahoe, any stone you see
8 on a veneer on someone's house, that's what it
9 is.

10 THE CHAIRMAN: Learn something new
11 every day. That's something you remember,
12 Westchester stone. Any other questions, guys?

13 (No comments.)

14 THE CHAIRMAN: Great. Very nice
15 application.

16 MR. FINELLI: Thank you.

17 THE CHAIRMAN: Thank you for the
18 second nice addition to the neighborhood. So I
19 make a motion to approve Application 16-33, 36
20 Hewitt.

21 MR. PULASKI: Second.

22 THE CHAIRMAN: All in favor.

23 (All aye.)

24 THE CHAIRMAN: Great. Thank you.

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1 MR. FINELLI: Thank you very much.

2 MR. CUNNINGHAM: Nice job. Good luck.

3 THE CHAIRMAN: Have a nice summer.

4 Last application is 15-84, Barnes & Noble.

5 MR. NEMECEK: Don't forget your --

6 MR. TUDISCO: Your elevations.

7 THE CHAIRMAN: They're coming back.

8 MR. WIMMER: Good evening. My name is
9 David Wimmer. I'm a development manager with
10 Barnes & Noble. We are here with an
11 application to make a change from a previously
12 approved plan to change our restaurant from a
13 Type 3 to a Type 1 restaurant.

14 When we originally brought our plans
15 before the board and the ARB, we had noted that
16 we were in the process of developing a new cafe
17 prototype for this store and a couple of other
18 stores that we're doing around the country this
19 year. So in the intervening period of time,
20 we've now flushed out a lot of detail about
21 that and that has caused us to come before you
22 with this change in increase cafe capacity, as
23 well as occupancy as well.

24 A few drawings. This was what was

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1 previously presented. The exterior of the
2 building has not changed fundamentally. This
3 was all previously approved by the ARB and the
4 Planning Board. These are some of the original
5 conceptual images of how the -- on the top left
6 is the current entrance elevation from what was
7 the former Border's location. The bottom left
8 is what we're creating for the new entrance, I
9 would say a cement panel and frameless glass
10 system to create this sort of jewel box
11 entrance, and then some conceptual images of
12 what the outdoor patio space would be for this
13 facility, which is a really unique and
14 wonderful opportunity for us here to have that.
15 We don't typically get just a very nice outdoor
16 space to work with and we're really looking
17 forward to having that become part of the real
18 success of this project.

19 The design firm that we've been
20 working with to help develop the cafe concept
21 separate from the book store portion of it, has
22 put together these renderings. The top left is
23 the -- as you approach into the restaurant at
24 first. The restaurant plan is a sequence of

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spaces. The first one, the top left -- that's great, Greg -- on the bottom left is where you would enter the space coming down the escalators, and then turning left, and then to your right that circular element that you see that is your bar and coffee barista station and the grab and go kind of area. So it will be pastries, pre-prepared elements and you could come, get your coffee. Then during the day as that rotates into the evening, that becomes a bit more of a beer and wine opportunity as well.

Then the next space back is sort of a group work area where you could just come and congregate, you could plug in whatever device you have and just have a social interaction in that regard.

The next space, which is sort of the reversed C shape that you see there, is a little bit more of a lounge, you know, it's a little bit more informal, very casual seating, throw pillows, very relaxed kind of environment that we developed there.

Then the last grouping off to the far

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right is what would be a more traditional restaurant set up of tables and chairs.

Then heading out to the outside, again, different types of groupings of soft seating and two top and four top tables, and then we've got a Bocci court and we're working out some of the other elements as far as what would occur into the landscape out there.

MR. NEMECEK: Can you provide us with a summary of the difference between the Type 3 food service establishment that was previously approve back in February and the Type 1 food service establishment for which you're now seeking approval; what are the differences from a practical standpoint?

MR. WIMMER: In our case, most of it -- our restaurant is not going to be a cafe, it's not going to be a place where you're going to come get a cowboy bone on rib eye. It's not that. It's definitely expanding far beyond the food offerings that you're used to at current Barnes & Nobles, which are mostly pastries and paninis in addition to the coffee. We're expanding into, you know, fresh salads, small

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plates, bits of tapas offerings, in addition to beer and wine offering. The main shift, I think that's causing -- the main item that's causing the shift from Type 3 to Type 1 is blending the two occupancy categories together in that it now has a much larger seating capacity. Typically, our cafes are held at 49 seats, which keeps us within the realm of an accessory use to the space. This now being more of a full service type of establishment breaks beyond that. I believe we have just shy of a hundred seats interior and some additional seats out on the exterior. So that causes a change in occupancy classification, which, therefore, takes us to bringing us into the Type 1.

MS. UHLE: Actually, from a zoning compliance standard, the difference is based on the type of cooking facilities that are permitted. So with a Type 1 food service establishment, you're allowed to have a Type 1 hood, and that allows you to do cooking -- not that they're going to do this -- that produces grease or smoke. It permits griddles, fryers,

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broilers, ovens, ranges.

MR. NEMECEK: So like a bone in rib eye?

MS. UHLE: Yes, even if that's not what you're going to cook, but you would have the facilities to do that. For a Type 3 food service establishment, that's what the 504 New Rochelle Road is proposing where you have hot dog cookers, coffee makers, rice cookers, egg cookers. So it's a lot less intense I guess you would say.

You guys approved the Type 3, and our zoning law says if you want to move from a Type 3 to a Type 2 or a Type 1, you have to come back and ask for permission to do that.

THE CHAIRMAN: To amend the use.

MR. NEMECEK: Is the necessity or the application here to move from Type 3 to Type 1 motivated principally on the size or on the cooking facilities?

MS. UHLE: Well, there's two different things: From a zoning compliance perspective, they're back because of the cooking facilities. They're also back for an amended special permit

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because it's larger than what you approved. So they kind of go together. Then I think from a building code compliance perspective they have other issues that they have to deal with, but those aren't really before you, those are before our plan reviewers. For you, it's both the cooking facilities and the increased number of seats. The increased number of seats actually has no impact on parking, because we calculate parking for restaurant areas the same way we do for retail spaces, but it is a different use within that building.

THE CHAIRMAN: For the floor plan with the increased area of facilities, that took away from the retail space on the north side I guess? Which way did this grow?

APPLICANT: Believe it or not, it took away from our backhouse features. This is the new plan -- my name is Greg --

MR. TUDISCO: If you could just use the microphone.

MR. NEMECEK: So our substantial viewing audience at home could hear every word.

APPLICANT: So the new cafe really

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expanded further back. The kitchen area got moved up. These areas, backhouse features, got reduced significantly. The way the economy has gone, they feel they could accommodate the customers and whatnot. So we really have not reduced the retail sales area but we've increased the size of the kitchen.

MR. NEMECEK: So basically those would be warehouse or storage areas and that's been reduced, the backhouse area; what is it that has been reduced in the backhouse area?

APPLICANT: Well, we had larger break rooms, we had larger offices. We've taken some of those features out. We added additional restrooms and taken them out of the stock room. We didn't have the ability to make the restaurant larger and reduce the sales area. It's kind of a very tricky, delicate balance that we've been working for several weeks now trying to make this work.

MR. NEMECEK: I think the town is -- I can speak for people in my family, they're a little more interested in the books than the food.

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APPLICANT: We didn't lose any product in the store.

MR. CUNNINGHAM: Is this a new model starting in this store or has this been done before by Barnes & Noble?

MR. WIMMER: This will be the first of three stores we're doing this year. Timing will be that they will probably all open about the same time. We're hoping that this location will be the first of the three and the other two will follow probably just a week or maybe two afterwards.

MR. CUNNINGHAM: Will this affect the hours of operation or basically they'll stay the same?

MR. WIMMER: We are still exploring that. The cafe will obviously be open the full -- we're typically open sort of 9 to 10 operation. We'll have to explore whether or not we wish to push that to maybe an 11:00 or later hour for the cafe, but the book store would remain open as well. Part of the theme is to actually integrate the cafe in with the bookstore experience, so when you come in it's

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a seamless transition from one space to the next. If you want to come in and, you know, get your coffee and walk and lounge back, find a great book or hang with your kids, you know, you can go do that. You're free to wander about the space and enjoy the different types of atmospheres that we create.

MR. NEMECEK: Am I going to find lettuce in my books?

MR. WIMMER: I'm sorry.

MR. NEMECEK: Am I going to find lettuce in my books?

MR. WIMMER: I hope not. I would like to think not.

THE CHAIRMAN: I think it's as equally impressive as the last application you had in front of us. It's a welcome addition to the community. Actually, beer and wine and books works for me. It's where I'm going at night.

Any other questions, guys? This is a public hearing also?

MS. UHLE: Yes.

THE CHAIRMAN: It's a public hearing and then we just make a -- then we can just

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1 EASTCHESTER PLANNING BOARD - 6/23/16
 2 vote on the change ourselves?
 3 MS. UHLE: That's correct.
 4 THE CHAIRMAN: So then I make a motion
 5 to open the public hearing on Application
 6 15-84, Barnes & Noble, 680 White Plains Road.
 7 MR. NEMECEK: Second.
 8 THE CHAIRMAN: All in favor.
 9 (All aye.)
 10 THE CHAIRMAN: Last gentleman in the
 11 back there, nothing?
 12 (No comments.)
 13 MR. NEMECEK: Fake it. Come on.
 14 THE CHAIRMAN: So then a motion to
 15 close the public hearing on Application 15-84,
 16 Barnes & Noble.
 17 MR. PULASKI: Second.
 18 THE CHAIRMAN: All in favor.
 19 (All aye.)
 20 THE CHAIRMAN: When are you guys
 21 opening? Not soon enough.
 22 I make a motion to approve
 23 application -- no, not to approve
 24 application -- to approve the application which
 25 includes the change in service special permit

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1 EASTCHESTER PLANNING BOARD - 6/23/16
 2 from Type 3 to Type 1 on Application 15-84,
 3 Barnes & Noble.
 4 MR. NEMECEK: Second.
 5 THE CHAIRMAN: All in favor.
 6 (All aye.)
 7 THE CHAIRMAN: Great. Thank you.
 8 MR. WIMMER: Thank you very much.
 9 MR. CUNNINGHAM: How long before the
 10 opening?
 11 MR. WIMMER: We're shooting for
 12 mid-October.
 13 MR. CUNNINGHAM: Okay. I know a lot
 14 of people looking forward to Barnes & Noble
 15 being back in that space.
 16 THE CHAIRMAN: And serving wine and
 17 beer.
 18 MR. NEMECEK: I have some comments.
 19 There's a few revisions. I'll send them to you
 20 and circulate them among the group.
 21 MS. UHLE: Okay. So you want to
 22 approve the minutes at the next meeting?
 23 MR. NEMECEK: We probably ought to at
 24 the next meeting.
 25 THE CHAIRMAN: So then I make a motion

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1 EASTCHESTER PLANNING BOARD - 6/23/16
 2 to close the town of Eastchester Planning Board
 3 meeting of June 23, 2016.
 4 MR. NEMECEK: Second.
 5 THE CHAIRMAN: All in favor.
 6 (All aye.)
 7 THE CHAIRMAN: Great. Thank you.

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 3 C E R T I F I C A T I O N
 4
 5 STATE OF NEW YORK)
) Ss.
 6 COUNTY OF WESTCHESTER)
 7
 8 I, DINA M. MORGAN, Court Reporter and
 9 Notary Public within and for the County of
 10 Westchester, State of New York, do hereby
 11 certify:
 12 That the above transcript was taken from
 13 a videotape of the actual hearing. I was not
 14 present for such hearing. The videotape was
 15 taken and transcribed by me to the best of my
 16 ability.
 17 And, I further certify that I am not
 18 related to any of the parties to this action by
 19 blood or marriage, and that I am in no way
 20 interested in the outcome of this matter.
 21 IN WITNESS WHEREOF, I have hereunto set
 22 my hand this 14th day of July, 2016.



DINA M. MORGAN
 Court Reporter
DINA M. MORGAN, REPORTER

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CORRECTION SHEET

PAGECORRECTION

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